

JUVENILE DELINQUENCY

(COMIC BOOKS)

HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
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INVESTIGATION OF JUVENILE DELINQUENCY IN THE
UNITED STATES

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¹ On file with the subcommittee.

² Printed in the record.

JUVENILE DELINQUENCY

(Comic Books)

WEDNESDAY, APRIL 21, 1954

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON
THE JUDICIARY, TO INVESTIGATE JUVENILE DELINQUENCY,
New York, N. Y.

The subcommittee met at 10 a. m., pursuant to call, in room 110, United States Courthouse, New York, N. Y., Senator Robert C. Hendrickson (chairman of the subcommittee), presiding.

Present: Senators Hendrickson, Kefauver, and Hennings.

Also present: Herbert J. Hannoch, chief counsel; Herbert Wilson Beaser, associate chief counsel; and Richard Clendenen, executive director.

The CHAIRMAN. This meeting of the Senate Subcommittee on Juvenile Delinquency will now be in order.

Today and tomorrow the United States Senate Subcommittee Investigating Juvenile Delinquency, of which I am the chairman, is going into the problem of horror and crime comic books. By comic books, we mean pamphlets illustrating stories depicting crimes or dealing with horror and sadism. We shall not be talking about the comic strips that appear daily in most of our newspapers.

And we shall be limiting our investigation to those comic books dealing with crime and horror. Thus, while there are more than a billion comic books sold in the United States each year, our subcommittee's interest lies in only a fraction of this publishing field.

Authorities agree that the majority of comic books are as harmless as soda pop. But hundreds of thousands of horror and crime comic books are peddled to our young people of impressionable age.

You will learn during the course of these hearings that we shall also not be speaking of all crime comic books. Some of the types of crime and horror comic books with which we are concerned have been brought into the hearing room for your attention.

I wish to state emphatically that freedom of the press is not at issue in this investigation. The members of this Senate subcommittee—Senator Kefauver, Senator Hennings, and Senator Langer—as well as myself as chairman, are fully aware of the long, hard, bitter fight that has been waged to achieve and preserve the freedom of the press, as well as the other freedoms in our Bill of Rights which we cherish in America.

We are not a subcommittee of blue-nosed censors. We have no preconceived notions as to the possible need for new legislation. We want to find out what damage, if any, is being done to our children's minds by certain types of publications which contain a substantial

degree of sadism, crime, and horror. This, and only this, is the task at hand.

Since last November the subcommittee has been holding many public hearings into the various facets of the whole problem of juvenile delinquency. The volume of delinquency among our young has been quite correctly called the shame of America. If the rising tide of juvenile delinquency continues, by 1960 more than one and a half million American youngsters from 10 through 17 years of age, will be in trouble with the law each year.

Our subcommittee is seeking honestly and earnestly to determine why so many young Americans are unable to adjust themselves into the lawful pattern of American society. We are examining the reason why more and more of our youngsters steal automobiles, turn to vandalism, commit holdups, or become narcotic addicts.

The increase in craven crime committed by young Americans is rising at a frightening pace. We know that the great mass of our American children are not lawbreakers. Even the majority of those who get into trouble with our laws are not criminal by nature.

Nevertheless, more and more of our children are committing serious crimes. Our subcommittee is working diligently to seek out ways and means to check the trend and reverse the youth crime pattern.

We are perfectly aware that there is no simple solution to the complex problem of juvenile delinquency. We know, too, that what makes the problem so complex is its great variety of causes and contributing factors. Our work is to study all these causes and contributing factors and to determine what action might be taken.

It would be wrong to assume that crime and horror comic books are the major cause of juvenile delinquency. It would be just as erroneous to state categorically that they have no effect whatsoever in aggravating the problem. We are here to determine what effect on the whole problem of causation crime and horror comic books do have.

From the mail received by the subcommittee, we are aware that thousands of American parents are greatly concerned about the possible detrimental influence certain types of crime and horror comic books have upon their children.

We firmly believe that the public has a right to the best knowledge regarding this matter. The public has the right to know who is producing this material and to know how the industry functions.

Our work during this investigation will be to determine the possible delinquency producing effect upon children of certain types of crime and horror comic books, and whether or not there are certain offshoots growing out of the industry.

This phase of our investigation is but the first of several into questionable, or, should I say, disturbing phases of the mass media fields.

At a later date, the subcommittee will be attempting to determine what negative effects, if any, upon children, are exerted by other types of publications, by the radio, the television, and the movies. This is not to say that juvenile delinquency is wholly or even substantially the result of certain programs and subject matters presented by the mass media. But there can be no question that the media plays a significant role in the total problem.

I will now ask the assistant counsel to call the first witness.

Senator KEFAUVER. Mr. Chairman, before we call the first witness, I just want to compliment the chairman upon a very excellent statement of the purposes of this subcommittee and of this hearing here.

I would like to reemphasize that I feel that congressional hearings must be related to something that the Federal Government has jurisdiction of. This subcommittee is looking into the violations of various Federal laws, such as the Dyer Act, Mann Act, violations of the interstate commerce, and in connection with the subject matter under investigation we, of course, do have a postal statute which prohibits the mailing or using the mails for the distribution and dissemination of indecent and scurrilous literature which will be part of the subject matter of this hearing.

The CHAIRMAN. That is correct, Senator.

Senator KEFAUVER. I think it is also important to point out that Mr. J. Edgar Hoover's report of yesterday shows that whereas the increase in population last year was 5 percent, crime had gone up 20 percent and the particularly large increase was in connection with burglary and stealing of automobiles.

The interesting point is that a large part of the burglaries was committed by juveniles. Also juveniles, according to the FBI report, comprise 53.6 percent of those arrested for stealing automobiles.

As the chairman said, we do not have all the answers, but I think that it is important to look into the various matters which Mr. Hoover and other experts do bring out in connection with the increase in juvenile delinquency; and certainly as to horror and crime comics, not the good kind as the chairman said, but the various small part, most all the witnesses do have something to say about these.

We are not going into this hearing with the idea of condemning anybody or censoring the press or impairing the freedom of the press and bringing out in relation to a Federal statute something so that all of these experts on juvenile delinquency are talking about.

That is my understanding.

The CHAIRMAN. The Senator from Tennessee is entirely correct and the Chair wishes to congratulate and commend the Senator for his contribution.

Now, will counsel call the first witness?

Mr. BEASER. Mr. Richard Clendenen.

The CHAIRMAN. Do you solemnly swear that the testimony you will give before this subcommittee of the Senate Committee on the Judiciary, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLENDENEN. I do.

The CHAIRMAN. The Chair with pleasure announces the presence of the distinguished Senator from Missouri, Senator Hennings.

TESTIMONY OF RICHARD CLENDENEN, EXECUTIVE DIRECTOR, UNITED STATES SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

Mr. BEASER. For the record will you state your name, your address, and your present occupation?

Mr. CLENDENEN. My name is Richard Clendenen, 1445 Ogden Street NW., Washington, D. C.

I am executive director of the Senate Subcommittee To Investigate Juvenile Delinquency.

Mr. BEASER. Mr. Clendenen, will you outline briefly your education and experience in the field of juvenile delinquency?

The CHAIRMAN. Before Mr. Clendenen answers that question, I would like to say that the Senate Subcommittee on Juvenile Delinquency feels that we have a very able staff director.

Mr. CLENDENEN. Thank you.

Prior to coming to my present position I had worked in the United States Children's Bureau for a period of 7 years, and held there the position of Chief of the Juvenile Delinquency Branch.

Prior to that time I had served in administrative capacities in institutions for emotionally disturbed children and delinquent children and also have had experience as a probation officer in a juvenile court.

Mr. BEASER. You are a trained social worker?

Mr. CLENDENEN. I am.

Mr. BEASER. Speaking on behalf of the staff, have you conducted an investigation into the comic-book industry?

Mr. CLENDENEN. Yes, sir; we have. Our investigation into the comic-book industry has been almost exclusively limited to those comics which themselves center about horror and crime.

The particular type of comics to which I refer present both pictures and stories which relate to almost all types of crime and in many instances those crimes are committed through extremely cruel, sadistic, and punitive kinds of acts.

Now, in connection with that question, I should like to make it perfectly clear that our investigation has not been concerned with other types of comics, many of which all authorities seem to agree represent not only harmless, but many times educational entertainment.

I should also add that even within that type of comic books known as the horror crime comics, there are gradations within this group, too. That is, some are much more sadistic, much more lurid, than others in the same class or category.

Now, although our investigations have been limited to this particular segment of the comic-book industry, we should not give the impression that this is a small portion of the comic-book industry.

According to estimates which were provided us by the Audit Bureau of Circulations and the Controlled Circulation Audits, the two firms that publish circulation figures, there were about 422 different kinds of comic or comic-book titles on the newsstands in March 1954.

About one-fourth were of the crime and horror variety.

Now, as far as all comic books are concerned, although exact figures are lacking, most authorities agree that there are probably somewhere between 75 million and 100 million comic books sold in this country each month.

If one-quarter of these are of the crime variety of comics, this means that there are some 20 million comic books, crime comic books placed on the newsstands of this country each month.

Mr. BEASER. When you say crime and horror comics could you be more specific in describing what you are talking about?

Mr. CLENDENEN. Well, we have prepared a certain number of slides which show pictures taken from comic books of the type to which we have addressed ourselves.

Now, I would like, for the purpose of illustration, to relate very briefly in summary fashion 6 stories, together with pictures illustrating these 6 stories which will give you a sampling of the type of comic books that we are talking about here.

Now, in presenting these I would like to say that while it is not a random sampling actually it is a deliberate sampling in trying to present the various types of stories and pictures that appear.

These are not typical, rather they are quite typical of the stories and pictures which appear in this type of publication. The first such crime comic is entitled "Black Magic."

This is a picture showing the cover or title page of this comic. Now, one story in this comic is entitled "Sanctuary," and the cover shots relate to this particular story.

You will note that this shot shows certain inhabitants of this sanctuary which is really a sort of sanitarium for freaks where freaks can be isolated from other persons in society.

You will note 1 man in the picture has 2 heads and 4 arms, another body extends only to the bottom of his rib. But the greatest horror of all the freaks in the sanctuary is the attractive looking girl in the center of the picture who disguises her grotesque body in a suit of foam rubber.

The final picture shows a young doctor in the sanitarium as he sees the girl he loves without her disguise.

The story closes as the doctor fires bullet after bullet into the girl's misshapen body.

Now, that is an example of a comic of the horror variety.

The next slide, the second story, is the cover shot of a comic entitled "Fight Against Crime."

One story in this particular issue is entitled "Stick in the Mud". This is a story of a very sadistic schoolteacher who is cruel to all of the children in her classroom with only one exception. The one exception is the son of a well-to-do man who has lost his wife. Through her attentions to the son the teacher woos and weds the father.

The following picture shows the schoolteacher as she stabs her husband to death in order to inherit his money. She then disguises her crime by dragging his body into a bullpen where his corpse is mangled and gored.

The small son, suspecting his stepmother, runs away so that she will chase him into the woods where a bed of quicksand is located.

Our last picture shows the stepmother sinking into the quicksand and crying for help. The small son gets the stepmother to confess that she murdered his father by pretending he will go for help if she does so.

After her confession he refuses to go for help and stays to watch his stepmother die in the quicksand.

The next comic is entitled "Mysterious Adventures." This particular issue of which this is a cover shot contains a total of 6 stories in which 11 people die violent deaths.

One story, I think, in this particular issue, has to do with a confirmed alcoholic who spends all his wife can earn on alcohol.

As a result their small son is severely neglected. On the day the small son is to start in the first grade in school the mother asks his father to escort him to the school. Instead the father goes to his

favorite bootlegger and the son goes to school by himself. En route he is struck and killed by an automobile.

Informed of the accident, she returns to find her husband gloating over his new supply of liquor.

This next picture shows the mother killing her alcoholic spouse with an ax. She then cuts up his body into small pieces and disposes of it by placing the various pieces in the bottles of liquor her husband had purchased.

If you will look at the picture in the lower right-hand panel, you will see an ear in one bottle, an eye in another, and a finger in another, and so forth.

Senator HENNINGS. I wonder if Mr. Clendenen has any figures on the relative circulation or sale of this character of things as against the more innocuous kind of comics? To what extent, in other words, do these appeal to the children to a greater or less degree than the kind we are all more or less familiar with, the harmless comic strips?

Mr. CLENDENEN. Well, about one-fourth of the total comic-book titles, that is the different comic books are of the crime and horror variety.

Now, perhaps not all of those are as rough as some of these that are shown.

On the other hand, this does constitute a not insubstantial segment of the comic-book industry.

Mr. BEASER. It is about 20 million a month, Senator Kefauver suggests.

Mr. CLENDENEN. That is right; 20 million a month of the crime and horror variety.

The CHAIRMAN. The Senator from Tennessee.

Senator KEFAUVER. Do I understand, Mr. Chairman, the 20 million per month is the number sold or placed on sale? How do you get that figure, Mr. Clendenen?

Mr. CLENDENEN. That is a circulation figure which refers to sales.

The CHAIRMAN. Distribution and sales?

Mr. CLENDENEN. Yes, sir.

Senator KEFAUVER. Is that from the industry itself?

Mr. CLENDENEN. No, sir; those figures, Senator, are from Audit Bureau of Circulations and the Controlled Circulation Audits.

The two organizations are companies that collect and issue data on circulation of various kinds of magazines.

Senator KEFAUVER. Thank you, Mr. Clendenen.

The CHAIRMAN. Does the Senator from Missouri have any more questions?

Senator HENNINGS. I just wanted to ask Mr. Clendenen another question and I do not want to break into his fine presentation of this—The Yellow Kid was the first comic strip, was it not?

Mr. CLENDENEN. Yes, sir.

Senator HENNINGS. Then we went into the Happy Hooligan and Katzenjammers and the ones we used to think were funny as youngsters.

At any rate, the funnies we knew were really funny, there were things in them that were calculated at least to amuse. The daily papers throughout the country nowadays carry more and more of the so-called serials, whether they deal with crime or whether they

deal with romance or whether they deal with one thing or another, they are more stories now and less of the old comic-strip variety.

Have you any material on that transition and any observations to make as to why obviously that must appeal to the public, or they would not run these syndicated strips in the papers as they do.

What is your view of that, Mr. Clendenen? Why has public taste changed apparently? Are we advancing or progressing in that sort of thing, or is it the obverse?

Mr. CLENDENEN. There really, of course, are not research base data on which an answer to your question could be founded. I am not sure whether the public taste has changed or not.

Certainly the comic-book industry which was born in and of itself during the depression years of the thirties, the latter thirties, represented perhaps rather than reflected any change in the taste of the public, represents a new idea, that is, to put the comics up in book form of this kind.

Just exactly why you have had a transition from the type of comics—and now I refer to comic strips, which appeared in an earlier day and on which each separate day represented a separate episode and were funny to the serious type of strip—I don't have any idea and no opinion on it.

I am not at all sure I said, and if I failed to say, I would like to say, that our investigation has not pertained at all to the comic strips appearing in the daily newspapers but rather the comic books.

Senator HENNINGS. Thank you.

Mr. CLENDENEN. The next slide, the next comic that we would like to present to you is entitled "Crime Must Pay the Penalty". This particular comic has 4 stories in which 27 people meet a violent death. One story in this particular issue called "Frisco Mary" concerns an attractive and glamorous young woman who gains control of a California underworld gang. Under her leadership the gang embarks on a series of holdups marked for their ruthlessness and violence.

Our next picture shows Mary emptying her submachine gun into the body of an already wounded police officer after the officer had created an alarm and thereby reduced the gang's take in a bank holdup to a mere \$25,000.

Now, in all fairness it should be added that Mary finally dies in the gas chamber following a violent and lucrative criminal career.

Now, this is strictly of the crime variety.

The next comic book is entitled "Strange Tales" and has five stories in which 13 people die violently. The story actually begins with a man dying on the operating table because the attending doctor is so absorbed in his own troubles that he pays no attention whatsoever to his patient.

It develops that this is the story of a promising young surgeon who begins to operate on wounded criminals to gain the money demanded by his spendthrift wife.

After he has ruined his professional career by becoming associated with the underworld, the criminal comes to get help for his girl friend who has been shot by the police. When the girl is placed upon the operating table the doctor discovers that the criminal's girl friend is none other than his own wife.

This picture shows the doctor, first of all, as he recognizes his wife, and as he commits suicide by plunging a scalpel into his own chest.

His wife also dies on the operating table for lack of medical attention.

The next comic, *The Haunt of Fear*, has 4 stories in which 8 people die violently. One story entitled "Head-Room" has to do with a spinster who operates a cheap waterfront hotel. The renter of one room is a man she would like to marry.

To win his favor she reduces his rent by letting his room, during daytime hours, to an ugly and vicious appearing man. This shot shows her renting the room to that individual.

Meanwhile there are daily reports that a murderer is loose in the city who cuts off and carries away his victim's heads.

The hotelkeeper suspects the vicious appearing daytime roomer and searches his room where she discovers six heads hanging on hooks in the closet.

She is discovered there by her favorite roomer who is returning to the hotel for the night.

It develops that he is the murderer and the next picture shows the hotelkeeper's head being added to the closet collection.

From a psychological point of view, however, there is another story in this same issue which is really even more perturbing. This is the story of an orphan boy who is placed from an orphanage to live with nice-appearing foster parents.

The foster parents give excellent care and pay particular attention to his physical health, insisting that he eat nourishing food in abundance.

A month later the boy discovers the reason for their solicitude when they sneak into his room late at night and announce they are vampires about to drink his rich red blood.

It might be said that right triumphs in the end, however, since the boy turns into a werewolf and kills and eats his foster parents.

The final story is one entitled "Shock Suspense Stories." It contains 4 stories in which 6 persons die violently.

One particular story in this issue is called "Orphan." This is the story of a small golden-haired girl named Lucy, of perhaps 8 or 10 years of age, and the story is told in her own words.

Lucy hates both her parents. Her father is an alcoholic who beats her when drunk.

Her mother, who never wanted Lucy, has a secret boy friend. The only bright spot in Lucy's life is her Aunt Kate, with whom she would like to live.

Lucy's chance to alter the situation comes when the father entering the front gate to the home meets his wife who is running away with the other man. Snatching a gun from the night table, Lucy shoots her father from the window.

She then runs out into the yard and presses the gun into the hands of her mother who has fainted and lies unconscious on the ground.

Then through Lucy's perjured testimony at the following trial, both the mother and her boy friend are convicted of murdering the father and are electrocuted.

This picture shows, first, "Mommie" and then "Stevie" as they die in the electric chair.

The latter two pictures show Lucy's joyous contentment that it has all worked out as she had planned and she is now free to live with her Aunt Kate.

The last two comic books I mentioned are published by the Entertaining Comic group and I mention it because the publisher of Entertaining Comic group will be appearing here later this morning.

Now, that completes the illustration of the type of comics to which we are addressing ourselves.

Mr. BEASER. Just one point, Mr. Clendenen. In talking about the child who is placed in a foster home, turned into a werewolf, you said that psychologically that was disturbing. Why do you say that?

Mr. CLENDENEN. Let me refer back to the time that I was operating an institution for emotionally disturbed children. Any child who is not able to live, continue to live, with his own family and who is disturbed and goes into an institution and then later is facing foster-home placement has a great many fears both conscious and unconscious regarding the future. That is, he is very much afraid, very fearful about going out and living with the family.

He has met them, to be sure, but he does not know them and he is a very insecure individual to begin with. This is the type of material that I myself would feel would greatly increase a youngster's feeling of insecurity, anxiety, and panic regarding placement in a foster-family home.

Mr. BEASER. Mr. Clendenen, you produced a number of comic books with different titles. Are they all, each one of them, produced by a different company?

Mr. CLENDENEN. No, they are not. The organization of the publishers in the comic-book industry is really a very complex type of organization.

I would like to refer here to the Atlas Publishing Co., or Atlas publishing group as an example. Atlas represents one of the major publishers in the comic-book field and, incidentally, there will be a representative of the Atlas Co. appearing also at these hearings. The Atlas Co. is owned by a man-and-wife team, Mr. and Mrs. Martin Goodman.

Now, the Atlas Publishing Co. publishes between 49 and 50 different comic titles. However, this number of comic titles, the 45 or 50 comic titles, are produced through no less than some 25 different corporations.

The Atlas organization also includes still another corporation through which it distributes its own publications. This particular exhibit shows 20 of the different groups of crime and weird comics they produce through 15 corporations.

Now, although several of the other publishers who are in the business of publishing comic books are smaller, the patterns of organization are essentially the same.

In other words, many times they organize themselves in forms of 2, 3, 4, or more different corporations. The end result of this type of corporation is that while there are many corporations involved in the publishing of comic books, the entire industry really rests in the hands of relatively few individuals.

Mr. BEASER. When you say they organize into different companies, do they organize into companies that produce nothing but comic books or do they produce other types of literature?

Mr. CLENDENEN. No, they also produce other types of literature. Many of them produce different kinds of magazines in addition to producing comics.

Now, not only may a particular organization be engaged in producing comics, both comic and magazines, but many times they will produce both comics and magazines through one individual corporation within the group.

In this exhibit, for example, this particular comic, which is produced once again by Atlas—and we are using Atlas merely as an example—these particular publications are not only both produced by the Atlas, but they are produced by a single corporation within the Atlas group.

Mr. BEASER. You say Atlas group. That is a trade-mark?

Mr. CLENDENEN. Yes, all their publications carry the Atlas trade-mark.

Mr. BEASER. In the course of your investigation has your staff had occasion to review scientific studies which have been made on the effect of crime and horror comics upon children and the relationship to juvenile delinquency?

Mr. CLENDENEN. Yes, we have. That is, we have reviewed virtually all of the surveys and studies that have been made; that is, we have reviewed all that we have been able to find.

I might say that it probably is not too surprising that the expert opinions and findings of these studies are not wholly unanimous. That is, there is certain diversity of opinion regarding the effects of these materials on youngsters even among these individuals whom we might properly qualify as experts.

Now, in this connection, I would like to submit to the subcommittee a few items here which relate to this matter of effects of these materials upon youngsters. One of these is a survey that was made at our request by the Library of Congress which summarizes all of the studies that they could locate having to do with the effects of crime comics upon the behavior of youngsters.

The CHAIRMAN. Is it your desire that this material be put in the record, or made a part of the subcommittee's files?

Mr. CLENDENEN. The latter, I believe.

The CHAIRMAN. I think that would be preferable.

Mr. CLENDENEN. I also would like to submit a letter which we received from Dr. Robert Felix, Director of the Institute of Mental Health, to whom we submitted samples of these materials and this is his reply to us indicating his feelings on the effects of these materials.

The CHAIRMAN. Without objection, that will be made a part of the record. Let that be exhibit No. 1.

(The document referred to was marked "Exhibit No. 1," and reads as follows:)

EXHIBIT No. 1

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
NATIONAL INSTITUTES OF HEALTH,
Bethesda, Md., April 8, 1954.

Mr. RICHARD CLENDENEN,
Executive Director, Subcommittee To Investigate Juvenile Delinquency,
United States Senate, Washington, D. C.

DEAR MR. CLENDENEN: Your letter of March 23, 1954, requested an opinion concerning the effects of comic books upon children. You made it clear that your interest does not really include all comic books, but the rather sensational kinds of which you sent samples.

I think it is fair to say at the outset that there are not many data from experimental sources which answer the question at hand. Let me first cite some rather old analogical evidence. A study was made several years ago on the effects of movies upon the behavior of children and it was concluded that motion pictures have a deleterious influence on 10 percent of males and 25 percent of females. It has also been shown that movie attendance by children results in disturbed sleep, as indicated by increased motility during sleep. This effect sometimes perseveres for 2 or 3 nights. It can therefore be concluded that viewing motion pictures is not a neutral event in the case of children. In the absence of similar studies concerning comics, I am inclined to extrapolate by saying that I believe reading comics may well have similar influences upon children to those that have been demonstrated for the movies.

One can approach this problem also by attempting to indicate what the comics really represent. It is clear that they represent stories about people and their relationships. It is also clear that the relationships are not tranquil, that they are in effect aggressive and hostile. However, children view aggressiveness and hostility in many of their daily experiences, and they themselves show aggressiveness and hostility. The comics of the kinds discussed here are exclusively preoccupied with relationships of this kind, and exclusive reading of this material is therefore a kind of unbalanced intake for a child. It should be noted, however, that all literature, including children's fairy tales, are characterized by treatment of the aggressive and hostile, and that the comics perhaps distinguish themselves only in their rather exclusive interest in situations portraying this kind of behavior.

It has been suggested by some psychiatrists that comic books may have some value in that they represent a source of fantasy material to the child, and children use fantasy to work out some of their problems and some of their feelings toward other persons. Working out these feelings through fantasy may not be as undesirable as working them out through misbehavior or open acts of hostility. This point of view can be accepted with some reservations. It is my impression that there are other ways of working through problems, such as other kinds of reading, play activities with one's peers, activities with adults and the like. It seems preferable that the child at least utilize several of these methods. There probably is some cause for concern if the child devotes himself in a rather excessive manner to comic books as a source of fantasy.

Comic books may well also be significant with respect to psychological difficulties the child already possesses. Hostile feelings toward his parents, for instance, may be brought to the surface through the reading of these books, releasing the children's anxiety, and this result is not desirable. Furthermore, since the violent behavior of the comic books is not limited to the villain of the piece, the child may feel that he secures some sanction from this source for the open expression of his own tendencies toward violent behavior. Neither of these statements can be interpreted as meaning that the pathology of the child is necessarily initiated or caused by the comic book, but that there is a significant relationship between the child's problems and how he reacts to them and the content of these materials. It is perfectly fair to say that this is not always a salutary result.

In your letter you ask several specific questions to which I shall attempt to give answers. One question deals with the reactions to comics of the disturbed versus the normal child. The emotionally disturbed child may show a greater reaction to comic books of this type than will the normal child. Perhaps it would be better to say that the emotionally disturbed child may show a greater tendency to read books of this kind than will the normal child. The child with difficulties may find in these books representations of the kinds of problems with which he is dealing, and they will therefore have a value for him which will be nonexistent or minimal in the case of the child who is relatively free of these troubles. In other words, it might be suggested that the kinds of comic books a child chooses could provide to the child psychiatrist some clues with respect to the kinds of problems faced by the child.

Your letter also asked about differential effects of the comics upon delinquents and nondelinquents. I doubt that the comic books can be blamed for originating delinquent trends as such in children, but they might well be instructive in the techniques of delinquency and criminality since they do portray techniques of criminal activity and of the avoidance of detection.

It is not my feeling that the solution to delinquency or emotional disturbances in children is to be found in the banning or elimination of comic books. Rather,

I feel that parents do have a responsibility for remaining alert to the kinds of reading material and viewing material, including the comics, being utilized by their children. The wise parent will exercise some discretion and some authoritative control in this connection. The truly wise parent may realize the symptomatic importance of a strong and persistent interest in lurid material and will perhaps seek guidance or therapy for his child. In summary, I should like to add that comics must be viewed as only a part of the total experience of the child and that the same principles of guidance which parents must exercise in all realms of the child's experience must apply in this area.

The above comments leave many questions unanswered, but I hope that the committee may find this letter of some value in dealing with this difficult problem.

Sincerely yours,

R. H. FELIX, M. D.,
Director, National Institute of Mental Health.

Senator KEFAUVER. Does that go for the first memorandum, too? I think the people would like to read the compilation by the Library of Congress.

The CHAIRMAN. Without objection, that will be made a part of the record. Let it be exhibit No. 2.

(The document referred to was marked "Exhibit No. 2," and reads as follows:)

EXHIBIT No. 2

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington 25, D. C., March 5, 1954.

CRIME MOVIES, CRIME COMIC BOOKS, AND CRIME RADIO PROGRAMS AS A CAUSE OF CRIME

(Prepared for the use of the Senate Judiciary Committee to investigate juvenile delinquency)

(NOTE.—This report on the effect of crime comic books, crime movies, and crime radio programs upon delinquency includes quotations from research studies and opinions, as well as critiques of several studies.)

In the past 30 years, from time to time, discussions have arisen, centered around first, crime movies, and in later years the crime radio programs, and more recently crime comic books with respect to their connection with the causation of crime. Opinions have been voiced on this subject by sociologists, criminologists, juvenile court judges, psychiatrists, psychologists, and parents' groups, and in some instances, research studies have been made.

Some authorities feel that a realistic appraisal of these forms of entertainment indicates that, while there are delinquent cases in which they may be important, on the whole their direct influence on the juvenile is either almost nil or serves only to aggravate already existent attitudes and personality traits.¹ Herbert Blumer and Philip Hauser found in their study over 17 years ago that motion pictures were one of the factors that was important in only about 10 percent of the delinquent males and 25 percent of the delinquent girls.²

Present evidence seems to indicate that the process of acquiring conduct norms, both unconventional and conventional, is primarily through intimate association with others and personal experiences of a face-to-face nature. Delinquents who have already had association through companions with unconventional behavior may be further stimulated by crime motion pictures, by certain radio programs, or by comic books. In a study made of 1,313 gangs in Chicago, Frederic M. Thrasher found that comic strips influenced these groups and their activities. Not only did many of the gangs obtain the names from the comic strip, but suggestions for vandalism and other destructive activities were directly traceable to this source.³

¹ Edwin H. Sutherland, *Principles of Criminology*, p. 184.

² Herbert Blumer and Philip M. Hauser, *Movies, Delinquency and Crime*, p. 198.

³ Frederic M. Thrasher, *The Gang*, p. 113.

To date, there have been few truly scientific investigations of the influence of such forms of entertainment on juvenile delinquency. There has been limited investigation of the millions of nondelinquent juveniles who avidly attend crime movies, listen nightly to several radio broadcasts dealing with criminal cases, and read one or two crime comic books a week.

The present report was prepared after a survey of the available materials in the Library of Congress. The basis for choosing articles and studies to be included were the background of the author, his standing and experience in his field of specialty; and in the case of the critiques, the author's recognized authority to judge the studies. This material is presented in chronological order (except when there is a critique of a specific study) with a note about the author, and a statement of the purpose of the study.

HERBERT BLUMER, and PHILIP M. HAUSER. *Movies, Delinquency, and Crime*. New York: the Macmillan Company. 1933. 233 p. [PN19995.5.B53]

(Herbert Blumer at the time of this study was associate professor of sociology at the University of Chicago, and Philip M. Hauser was an instructor in sociology at the same university.)

The following statement is from the preface of the above book and gives background material on the reason for the study:

"The history of [these] investigations is brief. In 1928 William H. Short, executive director of the Motion Picture Research Council, invited a group of university psychologists, sociologists, and educators to meet with the Members of the Council to confer about the possibility of discovering just what effect motion pictures have upon children, a subject * * * upon which many conflicting opinions and few substantial facts were in existence. The university men proposed a program of study. When Mr. Short appealed to the Payne Fund for a grant to support such an investigation, he found the foundation receptive because of its well-known interest in motion pictures as one of the major influences in the lives of modern youth."

The investigations extended over a period of 4 years (1929-32). The purpose was to study the role of motion pictures in the lives of delinquents and criminals of both sexes; and the effects of motion pictures shown to them in prisons and reformatories; and the effect of movies on nondelinquents.

Data were secured by two methods: Questionnaires and autobiographical accounts. The authors give the following "word of caution" at the beginning of their report:

"These statistical data are based on questionnaire tabulations and must be interpreted with great care. They should not be taken as definitely proven measurements of different forms of motion-picture influences but rather as rough approximations suggestive of a likely extent of such influences * * * questionnaire responses are in the nature of opinion and judgment and are subject to the uncertainty and instability which attend such kinds of response."⁴

The reader is cautioned to regard the statistical results as "merely distributions of replies roughly suggestive of the extent of different kinds of motion-picture influences."⁵

Summary of findings

"* * * motion pictures were a factor of importance in the delinquent or criminal careers of about 10 percent of the male and 25 percent of the female offenders studied * * *. In addition to these readily traced influences, motion pictures, by reason of subtle and often unconscious effects, may unwittingly dispose or lead individuals to various forms of misconduct.

"Several important indirect influences disposing or leading persons to delinquency or crime are discernible in the experience of male and female offenders."⁶

"On the other hand, movies may redirect the behavior of delinquents and criminals along socially acceptable lines and make them hesitant about, and sometimes deter them from, the commission of offenses."⁷

"It is evident that motion pictures may exert influences in diametrically opposite directions. The movies may help to dispose or lead persons to delinquency and crime or they may fortify conventional behavior."⁸

⁴ Herbert Blumer and Philip M. Hauser, *op. cit.*, p. 9.

⁵ *Ibid.*, p. 10.

⁶ *Ibid.*, p. 198.

⁷ *Ibid.*, p. 199.

⁸ *Ibid.*, p. 201.

"* * * the forms of thought and behavior presented by the movies are such as to provide material and incentive to those sensitized to delinquent and criminal suggestion.

"Motion pictures play an especially important part in the lives of children reared in socially disorganized areas. The influence of motion pictures seems to be proportionate to the weakness of the family, school, church, and neighborhood. Where the institutions which traditionally have transmitted social attitudes and forms of conduct have broken down, as is usually the case in high-rate delinquency areas, motion pictures assume a greater importance as a source of ideas and schemes of life."

MORTIMER ADLER. *Art and Prudence*. New York: Longmans, Green & Co., 1937. 686 pp. [PN1995.5.A4]

(The author at the time of writing was associate professor of the philosophy of law at the University of Chicago.)

Dr. Adler gives the following explanation for writing this book:

"As result of their reading of *Crime, Law and Social Science*, representatives of the motion picture producers asked me to review for them the recent empirical investigations specifically concerned with the influence of motion pictures on human behavior—to make, in short, a similar analysis of the problems, methods and results of research'⁹

He specifically discusses the Blumer and Hauser study in the following statements:

"All through these pages in which case histories are reported, figures cited, and similar may-or-may-not conclusions drawn, there is no recognition on the part of the investigators that they are proceeding without control groups. For all they know, if non-delinquents and non-criminals were made to write their autobiographies under the same type of guidance [as the delinquents], they might find exactly the same kind of items reported as having been impressive in or memorable from the motion pictures they had seen. One would then be entitled to presume that there *may* be an unconscious connection in their lives between motion pictures and law-abiding behavior, or perhaps the opposite—*maybe* they were law-abiding in spite of motion pictures.

"Considering the admitted worthlessness of their statistical data and the admitted unreliability of questionnaire responses, how are Blumer and Hauser able to conclude the chapter on female delinquents with the statement: 'It seems clear from the statistical data and from the autobiographical accounts * * * that motion pictures are of importance, both directly and indirectly in contributing to female delinquency.'¹¹

"As I have said before, research of this sort does not warrant the amount of critical attention I have given it. It could be dismissed in terms of the authors' direct or implied admissions of the inadequacy of their method, the unreliability of their raw materials and the insignificance of their numerical data.

"But there are good reasons for exhibiting this piece of research in such a way that all of its defects are plain to anyone. For one thing, the work of Blumer and Hauser has been cited by laymen who are bent upon reform, as a *scientific* demonstration that the movies are a cause of crime. For another, this type of work is considered creditable by some social scientists."¹²

Dr. Adler has the following comment to make about the reliability of scientific research in the study of human behavior:

"Little of what has been accomplished by research in the field of criminology has improved upon the state of common and expert opinion—the "unscientific" opinion of men experienced in dealing with criminals. At best, research has been confirmatory of our doubt about any factor or set of facts as causative of crime.

"In the light of speculative standards, the attempt of scientific investigation in the field of human behavior should always be praised, even when its achievements are of no practical significance. To be practically significant, science must definitely alter the state of existing opinion; but ever when it fails to do this, the same probability is better held as a matter of scientific knowledge than as a matter of opinion. * * * The intrinsic weakness of the study of human behavior *as science* is further complicated by the methodological incompetence of most of the attempts which have been made."¹³

⁹ Ibid., p. 202.

¹⁰ Mortimer Adler, op. cit., xi.

¹¹ Ibid., p. 280-281.

¹² Ibid., p. 255.

¹³ Ibid., p. 283.

WILLIAM HEALY, and AUGUSTA F. BRONNER. *New Light on Delinquency and Its Treatment*. New Haven: Yale University Press. 1936. 226 p. [HV9069.H37]

(William Healy, physician and psychologist, was at the time of this study director of the Judge Baker Guidance Center, Boston, and Augusta Bronner was associated with him at the center.)

This study presents the results of a research project conducted for the Institute of Human Relations at Yale University. The research was conducted simultaneously in three American cities (Boston, New Haven, and Detroit). Five hundred and seventy-four individuals of one hundred and thirty-three families were studied.

Only brief mention is made of the role of crime motion pictures as an ingredient of delinquent behavior. The authors report that:

"Interest in the movies was exhibited much more by the delinquents than the non-delinquents. Regular attendance once or twice a week was the habit of 88 of the delinquents as against 42 non-delinquents. Only a few delinquents, however, stated that they had derived ideas from gangster or other crime pictures upon which they definitely patterned their own delinquencies."¹⁴

EDWIN H. SUTHERLAND. *Principles of Criminology*. Philadelphia: J. P. Lippincott Company. 1939. 639 p. [HV6025.S83]

(The author at the time of publication was professor of sociology, Indiana University.)

In the preface Dr. Sutherland says the purpose of this book is "to show some development of criminology toward science." He also states that "A science of criminology is greatly needed at present both for satisfactory understanding and for adequate control. The existing criminology is inadequate: It has consisted of obviously unsound theories of criminal behavior, of scattered and unintegrated factual information, and unwarranted application of that knowledge to practical problems."

Among other institutions which relate to crime, Dr. Sutherland says:

"The motion pictures are unquestionably an extremely important agency in determining the ideas and behavior of people, and especially of children. * * * In view of this significant effect produced by the pictures on conduct, the content of the pictures is highly important. * * * Children play as gangsters after seeing the pictures and are influenced in other ways. Within a month after 'The Wild Boys of the Road' was presented as a motion picture in Evanston, Illinois, during the Christmas holiday of 1933, fourteen children ran away from home. Four of these were apprehended by the police and three of the four stated that the freedom depicted in the picture had appealed to them. One of these was a girl fifteen years of age and she was dressed in almost identically the same fashion as the girl who had taken the feminine lead in the picture."¹⁵

"In fact, the general tendency seems to be that the children who reside in areas where delinquency rates are high are influenced more significantly by the crime and sex pictures than are those who live in areas of low delinquency rates. * * * Upon people who already have a fairly stable scheme of life, as adults and as children in good residential areas do, the influence of the motion pictures is less harmful than young people whose habits are less definitely formed and whose environment is more distinctly limited."¹⁶

HOWARD ROWLAND, "Radio Crime Dramas". *Educational Research Bulletin*. November 15, 1944, pp. 210-217. [L11.E495]

This study analyzes recording made of 20 radio crime dramas.

"By and large, radio crime dramas offer no realistic portrayal of the influences which produce criminals. Only three of the programs based upon the activities of law-enforcement officers made any attempt to explain the background of the offenders.

* * * There is some evidence that children from delinquent areas listen to crime programs proportionately more than children from nondelinquent areas. This does not mean, however, that listening to crime programs necessarily is a cause of delinquency. Instead, it is more probably that the same economic and cultural factors which produce delinquency also produce a greater number of young people who enjoy crime drama more than other types of programs."¹⁷

"Children undoubtedly need a certain amount of excitement and aggression in their drama, but there must be a point beyond which the law of diminishing

¹⁴ William Healy, and Augusta Bronner, op. cit., p. 72.

¹⁵ Edwin H. Sutherland, op. cit., p. 192.

¹⁶ Ibid., p. 193.

¹⁷ Howard Rowland, op. cit., p. 213.

returns begins to operate. Crime and violence in drama lose their cathartic value when there is a constant habituation to overdoses of these ingredients which not only results in jaded taste in children but may contribute to those frustrations which bring about aggressive behavior. If this premise is correct, it follows that the producers of crime dramas help bring about some of the aggression which these dramas are supposed to relieve."¹⁸

HANS VON HENTIG. *Crime Causes and Conditions*. New York: McGraw-Hill Book Company, Inc. 1947. 379 p. [HV6025.H45]

(The author at the time of publication was Professor of Criminology at the University of Kansas City.)

Dr. Von Hentig, in his preface, says:

"Crime, being a pattern of social disorganization, has a multiplicity of causations that rest on defects and obstructions in the working order of society * * *. The statistics that complement personal observations and the lessons to be drawn from the many case studies herein have been brought up to date as of 1940 and 1941.

"* * * In its presentation the book goes its own way. Theoretical views and hypotheses are regularly supported by concrete facts as contributed by judges, district attorneys, police officers, wardens, prison doctors, criminals and victims. * * * Whatever theory is proposed or upheld, it is based on realities and exact observation.

"When movies and radios produce those long-drawn-out slugging scenes in which the hero finally downs the bad man, the G-man, the gangster, or the sheriff, the cattle rustler, we think that the moral outcome should be enough to immunize the aggressive spirit. There will, however, always be some spectators or hearers who are by disposition in a tense readiness for violence. From hearers they turn into doers, today or tomorrow when adequate incentives arise. * * * Some children have an inordinate craving for movies; so have many adults. Burt found this inclination in more than 7 percent of his delinquent boys.¹⁹ The movie has achieved tremendous results in reducing drinking and gambling and thereby cutting down delinquency; yet it may cause misconduct as well.

"There are three sources of possible danger, ably discussed by Burt. While some films do not teach crime, they describe criminal techniques. Before the law starts its triumphal march, wickedness has to be demonstrated; it has to be nearly successful before being smashed. In this phase a good film advertises crime and its technical procedures."²⁰

JUDITH CRIST. "Horror in the Nursery." *Collier's*, March 27, 1948. pp. 22-23. [AP2.C65]

(The author quotes extensively from Dr. Frederic Wertham who was formerly the chief resident psychiatrist at Johns Hopkins University. He was, at the time of the writing of the article, director of the psychiatric service at Queens General Hospital.)

Dr. Wertham * * * said: "The comic books, in intent and effect, are demoralizing the morals of youth. They are sexually aggressive in an abnormal way. They make violence alluring and cruelty heroic. They are not educational but stultifying."

With 11 other psychiatrists and social workers, Dr. Wertham, senior psychiatrist for the New York Department of Hospitals and authority on the causes of crime among children, has spent 2 years studying the effect of comic books on youngsters. His findings [are] published here for the first time. * * *

The purpose of the study was to find "not what harm comic books do," Dr. Wertham said, "but objectively what effect they have on children. So far we have determined that the effect is definitely and completely harmful. * * * We do not maintain that comic books automatically cause delinquency in every child reader. But we found that comic-book reading was a distinct influencing factor in the case of every single delinquent or disturbed child we studied."

Dr. Wertham does not believe that comic books alone can cause a child to become delinquent.

Dr. Wertham feels that a local enforcement of the penal codes by district attorneys, or license commissioners could stop circulation of the most offensive books.

¹⁸ Ibid., p. 214.

¹⁹ Cyril Burt, *The Young Delinquent*, D. Appleton-Century Co., Inc., New York, 1925, p. 137.

²⁰ Hans Von Hentig, op. cit., pp. 323-324.

FREDERIC M. THRASHER, "The Comics and Delinquency: Cause or Scapegoat", *The Journal of Educational Sociology*, December 1949, pp. 195-205.

(The author at the time of writing this article was a professor at New York University. He is also an associate editor of the *Journal of Educational Sociology* and author of *The Gang*, a study of 1,313 gangs in Chicago. 1927.)

Dr. Thrasher says that the controversy over motion pictures as a major cause of delinquency closely parallels the present controversy over the role of comic books in the causation of antisocial behavior.

"Delinquent and criminal careers can be understood only in terms of the interaction of many factors. Evaluation of their relative influence demands research based upon more rigorous sampling and control, and requires the utmost objectivity in the interpretation of the data the research yields.

"After surveying the studies dealing with the influence of comics we are forced to conclude such researches do not exist. The current alarm over the evil effects of the comic books rests upon nothing more substantial than the opinion and conjecture of a number of psychiatrists, lawyers, and judges.

"Reduced to their simplest terms, these arguments are that since the movies and comics diet is made up of crime, violence, horror, and sex, the children who see the movies and read the comics are necessarily stimulated to the performance of delinquent acts, cruelty, violence, and undesirable sex behavior.

"As an example, let us examine the position of the leading crusader against the comics, New York's psychiatrist Frederic Wertham. [He] disclaims the belief that delinquency can have a single cause and claims to adhere to the concept of multiple and complex causation of delinquent behavior. But in effect his arguments do attribute a large portion of juvenile offenses to the comics. More pointedly he maintains that the comics in a complex maze of other factors are frequently the precipitating cause of delinquency.

"We may criticize Wertham's conclusions on many grounds, but the major weakness of his position is that it is not supported by research data. In *Collier's* March 27, 1948, his findings are said to be the result of 2 years' study conducted by him and 11 other psychiatrists and social workers at the Lefarge Clinic in New York's Harlem. In this article the claim is made that numerous children both delinquent and nondelinquent, rich and poor were studied and that the results of these studies led to the major conclusion that the effect of comic books is 'definitely and completely harmful'."

Wertham's major claims rest only on a few selected and extreme cases of children's deviate behavior where it is said the comics have played an important role in producing delinquency. Although Wertham has claimed in his various writings that he and his associates have studied thousands of children, normal and deviate, rich and poor, gifted and mediocre, he presents no statistical summary of his investigations. He makes no attempt to substantiate that his illustrative cases are in any way typical of all delinquents who read comics, or that delinquents who do not read the comics do not commit similar types of offenses. He claims to use control groups (nondelinquents), but he does not describe these controls, how they were set up, how they were equated with his experimental groups (delinquents) to assure that the difference in incidence of comic book reading, if any, was due to anything more than a selective process brought about by the particular area in which he was working.

"On the basis of the material presented by Wertham with reference to children's experience with the comics, it is doubtful if he has met the requirements of scientific case study or the criteria for handling life history materials. He does not describe his techniques or show how they were set up so as to safeguard his findings against invalid conclusions. * * * Unless and until Wertham's methods of investigation are described, and demonstrated to be valid and reliable, the scientific worker in this field can place no credence in his results.

"In conclusion, it may be said that no acceptable evidence has been produced by Wertham or anyone else for the conclusion that the reading of comic magazines has or has not a significant relation to delinquent behavior."

"LOOKING AT THE COMICS—1949" (a survey by the children's book committee of the Child Study Association). *Child Study*, fall 1949, pp. 110-112.

"In the hope of providing an answer * * * the children's book committee of the Child Study Association some years ago surveyed about a hundred comic magazines and published in *Child Study* a critique of these for the guidance of parents and others working with children. The enormous growth of these pub-

lications in the years since this has prompted a resurvey which reveals some important changes, not only in their quantity but in the kinds of material that are being offered in picture-strip magazines.

"The most regrettable change since the earlier survey has been the increased number of these magazines dealing with 'real' crime, and those featuring sexually suggestive and sadistic pictures. These are presumably not addressed to children—are perhaps not even attractive to many of them. Nevertheless, they are available at 10 cents for young people to purchase, and are prominently displayed on newsstands. Some of these are about as uncouth and savage pictures and stories as can be found anywhere."

JOSETTE FRANK. Comics, Radio, Movies—and Children. New York: Public Affairs Committee, Inc. (Pamphlet Publication No. 148). 1949. 32 p. [HQ784.A6F7]

(The author is educational associate in charge of children's books and radio on the staff of the Child Study Association of America.)

In discussing crime and the comics, Josette Frank indicates that a number of juvenile court judges have cited the evidence of children brought before them who declared that they had "done it because they read it in the comics." Such evidence is discounted by others—criminologists and psychologists—who point out that children in trouble can hardly be expected to understand their own behavior, much less explain it. The causes of behavior, they insist, are deep and complex. "In studying the causes of behavior problems of children for many years," wrote Dr. Mandel Sherman, professor of educational psychology at the University of Chicago, "I have never seen one instance of a child whose behavior disturbance originated in the reading of comic books, nor even a case of a delinquent whose behavior was exaggerated by such readings. A child may ascribe his behavior to a comic he has read or a movie he has seen. But such explanations cannot be considered scientific evidence of causation."²¹

CAVANAGH, JOHN R. The Comics War. The Journal of Criminal Law and Criminology (Northwestern University School of Law) volume XL, June 1949.

(Dr. Cavanagh is the senior medical officer and psychiatrist, United States naval disciplinary barracks, Portsmouth, N. H.).

"Little factual evidence has been produced that the comics are harmful. A small number of cases have been produced in which comic-book reading has preceded or accompanied the commission of a crime. Actually does this prove anything? * * * If it is true as we are told, that 40 million comic books circulate each month and that each one has several readers, should not their harmful effects, if any, be more evident? Emotionalism sells better than intellectualism, and makes better copy.

* * * "If the comics are as bad as we hear they are, something should be done about them. What we need, however, are fewer exclamations and more facts. Up to the present there have been more references to the harmful effects of the comics in the popular press than in the professional literature. * * * My plea is to investigate first why children like comics and secondly to determine, if possible, how harmful they really are.

* * * "the normal aggressive reactions find release in the phantasies stimulated by the comic books which thus become the means by which children are able to work off their hostility toward their parents and others without the development of guilt which they might otherwise feel. They may thus displace onto the characters in the comic books the aggression which would otherwise be too dangerous to show overtly or even to imagine. Many have commented on the quieting effect of the comics, the "marijuana of the nursery," usually in the belief that this is harmful. It seems more likely that the child is merely projecting himself into the story and releasing his aggression in the realm of phantasy rather than finding it necessary to be noisy, troublesome, or to indulge in other overt aggressive behavior. For the normal child such conduct is not harmful or detrimental. For the neurotic child it could be detrimental but not necessarily so, and in any case he will be equally harmed by radio or movies.

²¹ Josette Frank, op. cit., p. 7.

"The prevalent attitude seems to be that all comics are objectionable. This is certainly not the case, and if you read the 'fine print' almost everyone who writes about the comics admits this. Unfortunately, the average reader is not concerned with the ordinary work-a-day writings. His attention must be caught and retained. * * * in order to retain an audience it is necessary to highlight the unusual, the bizarre, the sensuous, the anxiety-producing factors. The facts are there, but the usual, the ordinary have slight sales value and consequently must be softened in the interest of the stimulating, unusual items.

"There are comics which are undesirable. These are in the minority. The group known collectively as 'jungle adventure comics,' typify this class. Within the group all of the features are displayed which have been considered objectionable. Here are found the scantily clad females, the chained females, and the sexually suggestive situations which are the comics' most objectionable feature. However, such pictures and situations become significant principally when viewed through the repressions of the viewer and seem to arouse little anxiety in the well-adjusted reader.

NEW YORK STATE JOINT LEGISLATIVE COMMITTEE TO STUDY THE PUBLICATION OF COMICS, formed in 1949.

The committee reported in 1951 the following findings, which are condensed :

"1. The entire comic-book industry is remiss in its failure to institute effective measures to police and restrain the undesirable minority of stubborn, willful, irresponsible publishers of comics whose brazen disregard for anything but their profits is responsible for the bad reputation of the publishers of all comics.

"2. Comics are a most effective medium for the dissemination of ideas and when such a medium is used to disseminate bad ideas which may leave deep impressions on the keen absorptive minds of children, the unrestricted publication and distribution of comics becomes a matter of grave public concern.

"3. Comics which depict crime, brutality, horror, and which produce race hatred impair the ethical development of children, describe how to make weapons and how to inflict injuries with these weapons, and how to commit crimes have a wide circulation among children.

"4. The New York State Joint Legislative Committee states flatly as follows: Crime comics are a contributing factor leading to juvenile delinquency.

"5. Instead of reforming, publishers of bad crime comics have banded together, employed resourceful legal and public-relations counsel, and so-called educators, and experts in a deliberate effort to continue such harmful practices and to fight any and every effort to arrest or control such practices.

"6. The reading of crime comics stimulates sadistic and masochistic attitudes and interferes with the normal development of sexual habits in children and produces abnormal sexual tendencies in adolescents.

"A disturbing feature of this situation is that publishers of completely wholesome and acceptable comics have come out squarely in support of publishers of the objectionable type, even though the latter are making serious competitive inroads in their field. One reason given is that all publishers, both good and bad, fear any governmental imposition of regulation and possible censorship of their publications."

The New York State committee grouped objectionable comic books under these descriptions:

1. Those which depict brutality, violence, and crime.
2. Those which depict ways of inflicting bodily injury, plans for commission of crime, and unlawful breakings.
3. Those which are sexually suggested and in some instances depict semihidden pornography.

The New York committee concluded that governmental regulation should be undertaken as a last resort and only after the industry itself has shown an inability or incapacity to do it, or has failed or refused to do it.²²

MALTER, MORTON. The content of current comic magazines. Elementary school journal (Chicago) v. 52, May 1952: 505-510.

(Dr. Malter is assistant professor of education at Michigan State College, East Lansing).

"The major purpose of this study is to determine whether or not this impression is valid. This is accomplished through an analysis of the comic magazines proffered by the publishers during the 2-month period in 1951."

²² U. S. Congress. House Select Committee on Current Pornographic Materials. Report pursuant to H. Res. 596. Washington, U. S. Government Printing Office, 1952, pp. 27-28 (82d Cong., 2d sess., H. Rept. No. 2510).

Mr. Malter wrote to the 22 comic-book publishers listed in the 1950 edition of N. W. Ayer & Son's Directory of Newspapers and Periodicals. In return he received 185 comic magazines from 17 of these publishers. One published no longer put out comic books and four publishers did not answer his request.

Two of his conclusions follow:

"1. Various writers have maintained that crime stories dominate the comic magazines, while humorous content is restricted. The results of this study indicate that this criticism is not valid. Rather, the data suggests (a) that the percents of pages devoted to humor and crime are approximately equal and (b) that approximately one-third of all comic-story content is devoted to humor.

"2. The writer concludes that general attacks on the comic magazines are unwarranted. Unquestionably, it is desirable for persons to graduate from reading comic magazines to the reading of more sophisticated material. However, it seems unreasonable to blanket all comic magazines under the heading "unacceptable"; for, as in all other areas, good and bad examples are to be found. In attempting to improve reading habits, it seems desirable (a) to eliminate unacceptable comic magazines by teaching children to be selective in their reading and (b) to make available to readers other books within their experiences.

WILLIAM W. BRICKMAN. Causes and cures of juvenile delinquency. School and society (New York) v. 75, June 28, 1952, p. 410.

(Dr. Brickman is professor of education at New York University and the editor of School and Society Magazine).

"As one reads the professional literature and the lay expressions of opinion about juvenile delinquency, one becomes aware of differences of emphasis and of opinion regarding causes, treatments, cures, and preventive work. There are those who put their eggs in the basket of comic books, television programs, narcotics, or other features of our society. While a trend is in the making along the lines of multiple causation and therapeutics, there does not exist sufficient recognition of it in public circles. Some still snipe at the old-fashioned school for its supposed role in the making of delinquents, while others are equally unreasonable in attributing all behavioral ills to progressive education."

LEVERETT, GLEASON. In defense of comic books. Today's health (Chicago) v. 30, Sept. 1952: 40-41.

(Mr. Leverett is the former president, Association of Comics Magazine Publishers).

"Well over 75 percent of all children between 4 and 19 are regular readers of comics magazines. Sales total between 60 and 70 million copies a month. More than 400 different comics magazines are on sale today. They constitute more than a third of all the newsstand reading matter in this country. The influence that this part of the reading diet has on children has become an important consideration for parents, educators, sociologists, doctors and, in fact, the entire population.

* * * * *

"The effect of brutality, sex, sadism, and cruelty in children's reading matter is self-evident. No comic book which includes such matter can ever be acceptable. The strict code of ethics set up by the Association of Comics Magazine Publishers has brought about the elimination of such scenes from the magazines published by association members. Every issue of the magazines put out by members is examined before it is printed by an arbiter retained by the association.

LEWIN, HERBERT S. Facts and fears about the comics. Nation's Schools (Chicago). v. 52, July 1953: 46-48.

(Mr. Lewin is a clinical and child psychologist in New York City.)

"Governors, legislators, parents, and professional educators find themselves in a still growing debate over the reputed psychological menace to millions of children, a threat that seems to lurk between the covers of many comic books.

"Some zealous experts demand that these booklets be outlawed. Considering the widespread demand for the controversial comics, such a move might well result in a new source of revenue for enterprising citizens interested in bootlegging or blackmarketing the 'hot goods.'"

* * * * *

"Before discussing our belief that the harmful influence of the comics has been overrated, let us give some attention to the thinking that has led to objections to them. Many persons concerned with juvenile delinquency and prob-

lems of mental hygiene believe that there is a direct relationship between the reading of undesirable literature and improper behavior. They argue that juvenile delinquency frequently occurs alongside of excessive comic-book reading. They feel that the continuous stress on the excitement and glamor of crime might poison the thoughts and emotions of children, and, in certain cases, might cause them to become delinquents."

* * * * *

"The danger seems to be great. It is of crucial importance to find out whether comic-book reading really has the feared due outcome.

"To answer the questions as to whether the reading of comics actually results in antisocial behavior, the following experiment was made recently. Nearly 260 city boys of average intelligence and between the ages of 12 and 13 were closely investigated as to their reading habits and interests."

* * * * *

"Apparently comic-book reading in itself is not the cause of maladjustment and similar studies with respect to the effects of radio and television programs confirm the findings. * * *

"One thing seems to be certain: Excessive comic-book reading can be a symptom of maladjustment but it is rarely, if ever, its cause. For example, a habitual young thief has been found to be an ardent comic-book reader. Has this reading caused him to become a thief? Scarcely. We feel safe to say that his reading is a symptom of a long-standing personality problem but not the cause of his delinquency. This is true just as we know now that alcoholism is a symptom of an emotional disturbance but not its cause."

* * * * *

"We must attack delinquency and emotional disturbances at their roots. Yet we cannot overlook the fact that occasionally comics may be the vehicles of maladjustment. We can change the character of many comic books in a wholesome fashion; at the same time we do not have to remove from the books much that makes them attractive to our youth."

* * * * *

"Many comic-book stories, too, contain an extremely harsh and punitive view with respect to their villains. * * * Frequently no motives for their acts are given but the basest and rudest ones. Stories of this kind do not frighten a potential delinquent. However, they can unnecessarily increase the anxiety of young people who are worried about their minor misdeeds. Moreover, such stories tend to blunt the sense of justice and the spirit of forgiveness, and thus they play the game of authoritarian philosophers."

* * * * *

"Comics have many faults but their damaging influence has been overrated. Official prohibition will not solve the problem because legislation would be virtually unenforceable. It would encourage illegal distribution and put a premium on reading the least desirable strips just because they are 'forbidden fruit.' Neither will censorship improve the state of affairs, quite apart from the undesirability of all legal intervention in the field of literature. Only public pressure on comic-book publishers and editors will bring about a change for the better. Parents, teachers, ministers, child-welfare workers, and psychologists could successfully exert this pressure."

N. E. A. Research Bulletin. Schools help prevent delinquency. (Wash.) v. 31. Oct. 1953. p. 107-108.

"From time to time crime depicted in comic books as well as on radio and television programs has been charged with directly contributing to juvenile delinquency. Conclusive evidence on the subject is not available. Reputable authorities are lined up on both sides of the question.

"The number of comic books in circulation in recent years has skyrocketed. As compared with about 10 million copies a month in the last 3 prewar years, the 1947 rate was 60 million copies a month. An estimated 40 percent of the purchasers are young folks between the ages of 8 and 18. No estimate is readily available of the number of comic books concerned with sadistic crime and horror stories.

"Other mass mediums of communication also offer a strong diet of violence. On the four major radio networks, programs that embodied violence or threat of violence were transmitted for a total or more than 85 separate time periods in 1 week (1950). Television has a similar record. On 7 stations in the New

York area the listener had the pick of more than 75 periods a week when a taste of life outside the law could be had.

No acceptable evidence to date has shown these factors to have a significant relation to delinquent behavior. To be sure, in isolated instances judges have reported commissions of youth where comic books have been named as the source of the idea. But upon further investigation such youngsters were found to need help beside and beyond scrutiny of their reading and listening habits.

"The foregoing statements do not condone the cultivation of low tastes nor condemn the legitimate realization that some persons gain from an occasional detective story. Regardless of such considerations, the development of good communication tastes is an educational goal that can stand on its own merits."

WERTHAM, FREDERIC. What parents don't know about comic books. Ladies home journal (Philadelphia) Nov. 1953.

(Dr. Wertham is a psychiatrist and in this article refers to his research work at the Lafargue Psychiatric Clinic in New York City and the Queens Mental Hygiene Clinic.)

In this article the author presents vivid illustrations from many crime comic books being read by children and adults. He contends that:

"Juvenile delinquency is not just a prank, nor an emotional illness. The modern and more serious forms of delinquency involve knowledge of techniques. By teaching the technique, comic books also teach the content."

* * * * *

"What is the relationship of crime-comic books to juvenile delinquency? If they would prevent juvenile delinquency there would be very little of it left. And if they were the outlet for children's primitive aggressions, this would be a generation of very subdued and controlled children. After all, at times the output of comic books has reached 950 million a year, most of them dealing with crime. The whole publicity-stunt claim that crime comics prevent juvenile delinquency is a hoax. I have not seen a single crime-comic book that would have any such effect. Nor have I ever seen a child or young adult who felt that he had been prevented from anything wrong by a comic book * * *

"The role of comic books in delinquency is not the whole nor by any means the worst harm they do to children. It is just one part of it. Many children who never become delinquent or conspicuously disturbed have been adversely affected by them.

"My investigations and those of my associates have led us, very unexpectedly at first, but conclusively as the studies went on, to the conclusion that crime comics are an important contributing factor to present-day juvenile delinquency. Not only are crime comics a contributing factor to many delinquent acts, but the type of juvenile delinquency of our time cannot be understood unless you know what has been put into the minds of these children. It certainly is not the only factor, nor in many cases is it even the most important one; but there can be no doubt that it is the most unnecessary and least excusable one."

Dr. Wertham also discusses the elusiveness of some comic-book publishers who go out of business under one name and reappear as new publishing firms. He says, "This is why I have called crime-comic books 'hit-and-run publications.'"

"Crime comics create a mental atmosphere of deceit, trickery, and cruelty. Many of the children I have studied have come to grief over it. How best to summarize the attitudes most widely played up in crime comics? One might list them in some such way as this: assertiveness, defiance, hostility, desire to destroy or hurt, search for risk and excitement, aggressiveness, destructiveness, sadism, suspiciousness, adventurousness, nonsubmission to authority. Anybody could make up such a list by going over a thousand comic books. Actually, though, this is a literal summary of the traits of typical delinquents found by the famous criminologists Sheldon and Eleanor Glueck in a study of 500 delinquents when compared with 500 nondelinquents. In other words, the very traits that we officially wish to avoid we unofficially inculcate."

* * * * *

"Legal control of comic books for children is necessary not so much on account of the question of sex, although their sexual abnormality is bad enough, but on account of their glorification of violence and crime. In my attempts to formulate the principles of a crime-comic-book law I realized that it is necessary to introduce more public-health thinking for the protection of children's mental health. * * *

"Laws in the service of public health do not necessarily deal with criminal intent. They cope with what the lawyers call public-welfare offenses dealing

with food, drugs, and sanitation. What I wanted to accomplish was to add mental health to these categories."

* * * * *

"I have seen many juvenile delinquents who were predisposed to achieving good things in life and were deflected from their course by the social environment of which comic books are a part. We would not by law permit people to sell bad candy with poisonous ingredients because the manufacturer guarantees that it will not hurt children with strong stomachs and will sicken only those children who are inclined to have stomach upsets in the first place. In public health we also have little sympathy with the claim that we don't have to prevent illness because if we rule out one factor people would get sick sooner or later anyhow, if not with this disease, then with something else. Yet that is how the comic-book industry reasons."

SOLOMON, BEN. Why we have not solved the delinquency problem. Federal probation (Washington) v. 27, Dec. 1953: 11-19.

(Mr. Solomon is editor of Youth Leaders Digest, Putnam Valley, N. Y.)

This writer contends that the only way to solve the delinquency problem among youngsters is through prevention. He also holds that there are nine "fallacies" which are generally believed by persons who are concerned over the problem.

He has this to say about fallacy No. 2:

"Comics create crime. It is common practice to blame the comics, TV, the radio, and movies for much of our delinquency. It is pointed out that some youngsters are highly 'suggestible' and that through these media they might learn the methods of crime and how to skillfully avoid detection. Maybe so, but I'd like to point out that all children listen to the radio, see TV, and the movies, and read the comics, and that 99 percent of them don't get into any kind of trouble. And it might further be pointed out that we've had lots of delinquency long before these things came into being."

Mr. CLENDENEN. I also have a compendium of the Journal of Educational Sociology which shows the result of comics on delinquency by Dr. Thrasher, who is a noted criminologist connected with the University of Chicago.

The CHAIRMAN. Without objection, that will be made a part of the record. Let that be exhibit No. 3.

(The article referred to was marked "Exhibit No. 3," and reads as follows:)

EXHIBIT No. 3

THE COMICS AND DELINQUENCY: CAUSE OR SCAPEGOAT

Frederic M. Thrasher

Expert students of mankind have always tried to explain human behavior in terms of their own specialities. This is particularly true in the field of adult and juvenile delinquency, where anthropologists, psychologists, psychiatrists, and sociologists have been guilty of a long series of erroneous attempts to attribute crime and delinquency to some one human trait or environmental condition. These monistic theories of delinquency causation illustrate a particularistic fallacy which stems from professional bias or a lack of scientific logic and research, or both.

Most recent error of this type is that of psychiatrist Fredric Wertham who claims in effect that the comics are an important factor in causing juvenile delinquency.¹ This extreme position which is not substantiated by any valid research, is not only contrary to considerable current psychiatric thinking, but also disregards tested research procedures which have discredited numerous previous monistic theories of delinquency causation. Wertham's dark picture of the influence of comics

¹ Wertham, who is a prominent New York psychiatrist, has stated his position on the comics in the following articles: The Comics—Very Funny, Saturday Review of Literature, May 29, 1948; What Your Children Think of You, This Week, Oct. 10, 1948; Are Comic Books Harmful to Children?, Friends Intelligencer, July 10, 1948; the Betrayal of Childhood: Comic Books, Proceedings of the Annual Conference of Correction, American Prison Association, 1948; the Psychopathology of Comic Books (a symposium), American Journal of Psychotherapy, July 1948; and What Are Comic Books? (a study course for parents), National Parent Teacher Magazine, March 1949.

is more forensic than it is scientific and illustrates a dangerous habit of projecting our social frustrations upon some specific trait of our culture, which becomes a sort of "whipping boy" for our failure to control the whole gamut of social breakdown.²

One of the earliest of these monistic errors was that of Lombroso and his followers of the so-called Italian School of Criminology,³ who asserted there was a born criminal type with certain "stigmata of degeneracy" which enabled the criminal to be distinguished from normal people. These included such characteristics as a cleft palate, a low retreating forehead, a peculiarly shaped head, nose, or jaw, large protruding ears, low sensitivity to pain, lack of beard in males, obtuseness of the senses, etc. These "criminal traits" were explained as due to a reversion to a hypothetical "savage" (atavism), or to physical and nervous deterioration. Accompanying the physical divergencies in some unexplained manner always went a predisposition to delinquency. Exponents of this theory in its extreme form have even claimed that different types of criminals exhibit different sets of physical anomalies.

More rigorous investigators shortly discredited this naive theory. One of these was England's distinguished Charles Goring. He rejected Lombroso's conclusion because it was based upon an inadequate sample of the criminal population, chiefly the inmates of an institution for the criminally insane. As Von Hentig succinctly points out, only "minute sections of crime are found in court or in prison, a certain proportion in institutions for the criminally insane. Crime's most numerous and dangerous representatives are never seen by a judge, a warden, or a psychiatrist."⁴ No valid conclusion concerning delinquents and criminals as a whole can be drawn from the small proportion of their number appearing in clinics or found in institutions.

Goring rejected Lombroso's theory further, and more importantly, because it ignored the possibility that the traits to which delinquent and criminal behavior were attributed might be as prevalent among law-abiding citizens. Goring was an exponent of the elementary scientific technique which insists on the use of a control group, a simple yet essential statistical maneuver designed to protect the scholar and the public against fallacious conclusions about human behavior. The use of the control group as applied to the study of the causation of delinquency simply means that the investigator must make sure the trait or condition to which he ascribes delinquency is not as prevalent among nondelinquents as among delinquents.

When Goring studied not merely the inmates of prisons, but a representative sampling of the unincarcerated population, he found "stigmata" to occur no more frequently among prisoners than among people at large.⁵ Lombroso's theory was knocked into a cocked hat.

Students of delinquent and criminal behavior were slow, however, to heed the lesson implicit in the collapse of Lombroso's theory. Continuing to seek a simple monistic explanation of antisocial behavior, repeating Lombroso's errors of inadequate sampling and lack of control, they have attributed the bulk of delinquency to mental deficiency, to focal infections, to lesions of the nervous system, to psychopathic personality, to poverty, to broken homes, to one after another of the characteristics of the delinquent or his environment.

More rigorous sampling and control have forced the abandonment of these one-sided explanations. The assertion of Tredgold and Goddard,⁶ for example, that mental deficiency is the major cause of antisocial behavior was based on institutional samples of the delinquent population. It should be reiterated that such samples are highly selective, since more intelligent criminals are less frequently found in institutions or other groups available for testing. Indeed adequately controlled studies, such as those of Carl Murchison,⁷ E. A. Doll⁸ and

² Cf. Katherine Clifford, *Common Sense About Comics*, Parents Magazine, October 1948.

³ Lombroso first stated his theory in a brochure in 1876 and this was expanded later into three volumes. See Cesare Lombroso, *Crime: Its Causes and Remedies*. Translated by H. P. Horton. Boston: Little, Brown, 1918.

⁴ Hans Von Hentig, *Crime: Causes and Conditions*. New York: McGraw Hill, 1947.

⁵ Charles Goring, *The English Convict*. London: Stationery Office, 1913.

⁶ A. F. Tredgold, *Mental Deficiency*, New York: William Wood, 1914; and Henry H. Goddard, *Feeble-mindedness: Its Causes and Consequences*. New York: Macmillan, 1914.

⁷ *American White Criminal Intelligence*, *Journal of Criminal Law and Criminology*, August and November 1924.

⁸ *The Comparative Intelligence of Prisoners*, *Journal of Criminal Law and Criminology*, August 1920.

Simon H. Tulchin⁹ have conclusively shown that low intelligence of itself is not an important factor in producing delinquency.

Sociological studies have shown marked correlations between poverty and delinquency. But again the sample is selective, biased by the fact that official statistics fail to record the large number of delinquencies committed in more prosperous sections of the community; and again one is given pause by the necessity of accounting for the large numbers of children in the most dire economic need who do not become delinquent. As for broken homes, the studies of Slawson¹⁰ in New York, and of Shaw and McKay¹¹ in Chicago, have shown that the broken home in itself cannot be considered a very significant factor in explaining delinquency.

More recently it has been asserted that motion pictures are a major cause of delinquency. The controversy over the truth of this assertion closely parallels the present controversy over the role of comic books in the causation of anti-social behavior. The Motion Picture Research Council, with the aid of a research grant from the Payne Fund, and in cooperation with a number of universities, undertook a series of objective studies of the question.¹²

The most conclusive of these studies as it bears upon the relationship of the motion picture to the causation of delinquency, was conducted at New York University by Paul G. Cressey.¹³ Cressey's findings, based upon thousands of observations under controlled conditions, showed that the movies did not have any significant effect in producing delinquency in the crime-breeding area in which the study was made. Cressey readily admits that boys and young men, when suitably predisposed, sometimes have utilized techniques of crime seen in the movies, have used gangster films to stimulate susceptible ones toward crime, and on occasion in their own criminal actions have idealized themselves imaginatively as possessing as attractive a personality, or as engaging in as romantic activities as gangster screen heroes.¹⁴ Cressey is careful to follow this statement, however, with the explanation that he does not mean that movies have been shown to be a "cause" of crime, that he does not mean that "good" boys are enticed into crime by gangster films, that he merely means what he has said that boys and young men responsive to crime portrayals have been found on occasion to use ideas and techniques seen at the movies. This type of analytical thinking is largely absent from the findings of such critics of the comics as Fredric Wertham.

Furthermore Cressey found that urban patterns of vice, gambling, racketeering, and gangsterism, including large components of violence, were so familiar to the children of this district that movies seemed rather tame by comparison. That this section of New York is typical of the thousands of other delinquency areas in American cities cannot be doubted.¹⁵ It is from these areas that the large proportion of official juvenile delinquents come and there is no reason to doubt that the role of the motion picture in producing delinquency is any greater in these areas in other American cities than it was found to be in New York.

The behavior scientist has learned that the causes of antisocial behavior—like the causes of all behavior—are complex. Delinquent and criminal careers can be understood only in terms of the interaction of many factors. Evaluation of their relative influence demands research based upon the most rigorous sampling and control, and requires the utmost objectivity in the interpretation of the data the research yields.

⁹ Simon H. Tulchin, *Intelligence and Crime*. Chicago: University of Chicago Press, 1939.

¹⁰ John Slawson, *the Delinquent Boy*. Boston: Badger, 1926.

¹¹ Clifford R. Shaw and Henry D. McKay, *Social Factors in Juvenile Delinquency*. Washington: Government Printing Office, 1931, pp. 261-284.

¹² For a history of this controversy, the results of the Payne Fund Studies, and a critical evaluation of them, see: Henry James Forman, *Our Movie Made Children*, New York, Macmillan, 1933; Martin Quigley, *Decency in Motion Pictures*, New York, Macmillan, 1935; Frederic M. Thrasher, *Education Versus Censorship*, *Journal of Educational Sociology*, January 1940; W. W. Charters, *Motion Pictures and Youth: A Summary*, New York, Macmillan, 1933; Mortimer J. Adler, *Art and Prudence*, New York, Longman's Greene, 1937.

¹³ Paul G. Cressey, *The Role of the Motion Picture in an Interstitial Area*. (Unpublished manuscript on deposit in the New York University library.)

¹⁴ Paul G. Cressey, *The Motion Picture Experience as Modified by Social Background and Personality*, *American Sociological Review*, August 1938, p. 517.

¹⁵ See Clifford R. Shaw and Henry D. McKay, *Report on Social Factors in Juvenile Delinquency*, National Commission on Law Observance and Enforcement (No. 13, vol. II), Washington: Government Printing Office; —, *Delinquency Areas*. Chicago: University of Chicago Press, 1929; and —, *Juvenile Delinquency and Urban Areas*, Chicago: University of Chicago Press, 1942.

Let us now turn to researches dealing with the influence of comics. After surveying the literature we are forced to conclude such researches do not exist.¹⁶ The current alarm over the evil effects of comic books rests upon nothing more substantial than the opinion and conjecture of a number of psychiatrists, lawyers and judges. True, there is a large broadside of criticism from parents who resent the comics in one way or another or whose adult tastes are offended by comics stories and the ways in which they are presented. These are the same types of parents who were once offended by the dime novel, and later by the movies and the radio. Each of these scapegoats for parental and community failures to educate and socialize children has in turn given way to another as reformers have had their interest diverted to new fields in the face of facts that could not be gainsaid.

As an example, let us examine the position of the leading crusader against the comics, New York's psychiatrist Fredric Wertham.¹⁷ Wertham's attitude and arguments in condemning the comics are very similar to those of the earlier critics of the movies. Reduced to their simplest terms, these arguments are that since the movies and comics are enjoyed by a very large number of children, and since a large component of their movie and comics diet is made up of crime, violence, horror, and sex, the children who see the movies and read the comics are necessarily stimulated to the performance of delinquent acts, cruelty, violence, and undesirable sex behavior. This of course is the same type of argument that has been one of the major fallacies of all our monistic errors in attempting to explain crime and delinquency in the past.

Wertham's reasoning is a bit more complicated and pretentious. His disclaims the belief that delinquency can have a single cause and claims to adhere to the concept of multiple and complex causation of delinquent behavior. But in effect his arguments do attribute a large portion of juvenile offenses to the comics. More pointedly he maintains that the comics in a complex maze of other factors are frequently the precipitating cause of delinquency.

We may criticize Wertham's conclusions on many grounds, but the major weakness of his position is that it is not supported by research data. His findings presented for the first time in Collier's magazine¹⁸ are said to be the result of 2 years' study conducted by him and 11 other psychiatrists and social workers at the Lafargue Clinic in New York's Negro Harlem. In this article the claim is made that numerous children both delinquent and nondelinquent, rich and poor, were studied and that the results of these studies led to the major conclusion that the effect of comic books is "definitely and completely harmful."

That Wertham's approach to his problem is forensic rather than scientific is illustrated by the way in which his findings are presented in the Collier's article. Countering his claim that the effect of comics is definitely and completely harmful are statements in this article that comics do not automatically cause delinquency in every reader, that comic books alone cannot cause a child to become delinquent, that there are books of well-known comics which "make life better by making it merrier" and others "which make it clear even to the dullest mind, that crime never pays," and that there are "seemingly harmless comic books," but "nobody knows with any degree of exactness what their percentage is."

A further illustration of this forensic technique is the way in which he introduces extraneous facts and statements which by implication he links with his thesis that the comics are a major factor in causing delinquency and emotional disturbance in children. An example is New York's Deputy Police Commissioner Nolan's statement that "the antisocial acts of the juvenile delinquents of today are in many instances more serious and even of a more violent nature than those committed by youth in the past." Even if this statement could be proved, there is not the slightest evidence, except Wertham's unsupported opinion, that the increase is due to the reading of comic books. Wertham then cites a series of sensational child crimes headlined in the press (not his own cases), which he imputes to the comics without any evidence at all that the juvenile offenders

¹⁶ There is the possible exception of the study of Katherine M. Wolfe and Marjorie Fiske at Columbia University. *The Children Talk About Comics*, published by Paul F. Lazarsfeld and Frank Stanton, Communications Research, 1948-49, New York: Harper, 1949. This study, which was based on a small number of cases, was inconclusive.

¹⁷ Wertham's position was stated in some detail in an article by Judith Crist, *Horror in the Nursery*, Collier's, March 27, 1948. See also material by Wertham cited earlier in this article.

¹⁸ Loc. cit., pp. 22, 23, 95-97.

involved ever read or were interested in comic books. A final example of the improper use of extraneous material is the statement in the Collier's article that "Children's Court records show that delinquent youngsters are almost 5 years retarded in reading ability," and Wertham is quoted as saying that "children who don't read well tend to delinquency." These statements are unsupported, but even if true, there is not a scintilla of evidence that the reading retardation or disability of delinquents is due to reading comics. It is quite likely that the percentage of reading disability among delinquents was equally high or higher before the comic book was invented. As a matter of fact there are in this article no data which could be accepted by any person trained in research without documentation.

Wertham asserts that the content of the comics is almost universally one of crime, violence, horror, "emphasis of sexual characteristics" which "can lead to erotic fixations of all kinds," and "sadistic-masochistic mixture of pleasure and violence." Of the millions of comic books which Wertham claims deal with crime and brutality, he is content to rest his case on the selection of a few extreme and offensive examples which he makes no attempt to prove are typical. No systematic inventory of comic book content is presented, such as that compiled by Edgar Dale for the movies in 1935.¹⁹ Without such an inventory these conjectures are prejudiced and worthless.

Wertham's major claims rest only on a few selected and extreme cases of children's deviate behavior where it is said the comics have played an important role in producing delinquency. Although Wertham has claimed in his various writing that he and his associates have studied thousands of children, normal and deviate, rich and poor, gifted and mediocre, he presents no statistical summary of his investigations. He makes no attempt to substantiate that his illustrative cases are in any way typical of all delinquents who read comics, or that the delinquents who do not read the comics do not commit similar types of offenses. He claims to use control groups (nondelinquents) but he does not describe these controls, how they were set up, how they were equated with his experimental groups (delinquents) to assure that the difference in incidence of comic-book reading, if any, was due to anything more than a selective process brought about by the particular area in which he was working.

The way in which Wertham and his associates studied his cases is also open to question. The development of case studies as scientific data is a highly technical procedure and is based on long experience among social scientists in anthropology, psychology, and sociology.²⁰ An adequate case study, which involves much more than a few interviews, gives a complete perspective of the subject's biological, psychological, and social development, for only in this manner can a single factor such as comic-book reading be put in its proper place in the interacting complex of behavior-determining factors.²¹ On the basis of the materials presented by Wertham with reference to children's experience with the comics, it is doubtful if he has met the requirements of scientific case study or the criteria for handling life history materials. He does not describe his techniques or show how they were set up so as to safeguard his findings against invalid conclusions.

Were the subjects he interviewed studied with the same meticulous care employed by a Healy or a Shaw? Did he get complete data on them? Were the circumstances surrounding the interviews such that the subjects gave honest answers to the questions asked by Wertham and his associates? Were safeguards set up to control individual differences in the interview techniques of the eleven different investigators? Even if it is assumed that such subjects will or can give a correct picture of the role of the comics in their lives, how are we

¹⁹ Edgar Dale, *The Content of Motion Pictures*, New York: Macmillan, 1935.

²⁰ See Paul Horst et al., *The Prediction of Personal Adjustment*. New York: Social Science Research Council, 1941, especially *The Prediction of Individual Behavior From Case Studies*, pp. 183-249; Gordon W. Allport, *The Use of Personal Documents in Psychological Science*, New York: Social Science Research Council, 1942; and Louis Gottschalk, Clyde Kluckhohn and Robert Angell, *The Use of Personal Documents in History, Anthropology and Sociology*. New York: Social Science Research Council, 1945.

²¹ Examples of case studies are to be found in the earlier studies of William Healy and Augusta F. Bronner in *Case Studies*, Series I, Nos. 1-20, Boston; Judge Baker Foundation, 1923, and in the more complete studies of Clifford R. Shaw et al., *The Jackroller*, *The Natural History of a Delinquent Career*, and *Brothers in Crime*. Chicago: University of Chicago, 1930, 1931, and 1938.

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to be sure that the interviewers did not ask leading questions and stimulate the responses of the subjects to reply along a preordained line of thinking or imagining? Unless and until Wertham's methods of investigation are described, and demonstrated to be valid and reliable, the scientific worker in this field can place no credence in his results.

In conclusion, it may be said that no acceptable evidence has been produced by Wertham or anyone else for the conclusion that the reading of comic magazines has, or has not a significant relation to delinquent behavior. Even the editors of Collier's in which Wertham's results were first presented are doubtful of his conclusions, as is indicated by a later editorial appearing in that magazine in which they say:

"Juvenile delinquency is the product of pent-up frustrations, stored up resentments and bottled up fears. It is not the product of cartoons or captions. But the comics are a handy, obvious uncomplicated scapegoat. If the adults who crusade against them would only get as steamed up over such basic causes of delinquency as parental ignorance, indifference and cruelty, they might discover that the comics are no more a menace than Treasure Island or Jack the Giant Killer."²²

The danger inherent in the present controversy, in which forensic argument replaces research, is that having set up a satisfactory whipping boy in comic magazines, we fail to face and accept our responsibility as parents and as citizens for providing our children with more healthful family and community living, a more constructive developmental experience.

Mr. CLENDENEN. I also have three different reports from the New York State Joint Legislative Committee to study comics. These contain not only their own recommendations, but also contain quotations from a large number of experts whom that committee consulted and secured opinions from.

The CHAIRMAN. Without objection, that will be made a part of the subcommittee's files. Let it be exhibits Nos. 4a, 4b, and 4c.

(The three reports were marked "exhibits Nos. 4a, 4b, and 4c," and are on file with the subcommittee.)

Mr. CLENDENEN. Finally, I have two items here. One is an item entitled "Brain Washing: American Style," which was really a joint sponsorship. It was sponsored jointly by a group in West Virginia and then a Judge Hollaren, who is president of the Minnesota Juvenile Court Judges Association participated in the development of the material.

The CHAIRMAN. Without objection, that will be made a part of the record. Let that be exhibit No. 5.

(The booklet referred to was marked "exhibit No. 5," and reads as follows:)

EXHIBIT No. 5

BRAIN WASHING: AMERICAN STYLE

Every parent, every responsible adult, should be shocked by the prediction of 400,000 juveniles in court as delinquents during 1954. This represents a 33 percent increase over 1948, just as 350,000 in court during last year was 19 percent higher than prior years. Delinquency is on the march, ever increasing, ever destroying our youth.

Crimes previously associated with hardened criminals or the mentally depraved are now committed by children. We found boys and girls in gangs, carrying "snap-blades," setting out to inflict sadistic revenge upon fellow girls and boys of their community.

Burglary was common. Mugging a victim for cash was termed a "small-fry" act. Narcotics became the fad along with the moral breakdown which follows its use. Nonvirgin clubs sprang up, with boys breaking up fixtures of a drug store in Des Moines, Iowa, because the proprietor objected to the open peddling of flesh in his place of business.

²² The Old Folks Take It Harder Than Junior, Collier's, July 9, 1949.

In the Twin Cities we had the senseless killing of a man for \$10.35 by youths. In Michigan, we were shocked by the brutal murder of a nurse by boys. They were just average teen-agers of the neighborhood.

Cases too numerous to mention proclaim the moral breakdown of our youth, disintegration of the family, and the lack of concern for the general welfare of youth.

Why are 400,000 delinquents slated for 1954? It cannot be attributed to an overnight personality change. It is not a population factor alone. The war upset has leveled off greatly. Then why these dreadful crimes by teen-agers in such large numbers?

Narcotic peddling is one cause, but it is not universal.

There is a destructive factor that is universal. It is the arrogant, defiant publishing and distribution of thousands upon thousands of filth-drenched pocket-books and magazines of the girlie-gag variety.

This printed poison drips with astounding ads, sadistic rape-murder stories which mask as true reporting. These perverted magazines contain instructions in crime, narcotic uses, and sex perversions, and moral degradation.

This evil literature floods each community by the truckload. It is produced in corruption as maggots are produced and made available to your children.

This brazen effrontery to the decency of our communities was highlighted by J. Edgar Hoover in his letter of April 8, 1952: "I am indeed gratified to learn of the steps being taken by the Minnesota Juvenile Court Judges Association toward preventing the sale and distribution of obscene literature in Minnesota. I have been most vigorously opposed to such materials, for I sincerely believe that its availability to youth is one of the principal causes of delinquency."

INFORMATION IS VITAL

To act effectively, parents must first recognize and understand the situation. Many magazines have endeavored to enlighten us.

In the November 1951 issue of The Woman's Home Companion is an article entitled "The Smut Peddler Is After Your Child." The Christian Herald, May 1952, carried an article, entitled "Smut on the Newsstands."

In October 1952 Reader's Digest gave results of the national survey of smut as conducted and reported by Margaret Culkin Banning. This information was presented to the Gathings House Committee to Investigate Indecent Publications.

The November, 1953, issue of Ladies Home Journal featured "What Parents Don't Know About Comics." Reprints of this article, available at 2½ cents each, are a must for every PTA. Address Mrs. Betty Kidd, Ladies Home Journal, Philadelphia 5, Pa.

RACKETEERS OF ROT

This alarm has awakened a few parents but not nearly enough of them. The invasion has neither ceased or diminished. Rather it has flourished under the unscrupulous eyes of certain factions.

So-called "liberal, advanced thinkers" support and encourage "expression of thought" on the part of racketeers of rot. It is hard to know what satisfaction they find in exposing millions of children to the moral poison which is the formula of a great many comics.

WHY UNCHECKED?

Many parents will ask why this distribution of obscene publications goes unchecked. The answer to that question is a simple and ancient one. Money! Big money in this case.

It is a multi-million dollar racket and the kind that has a way of fighting. It can buy and control and hire those who will cry "censorship"—but never at any time show concern over what is happening to youth.

The racket pokes fun at censors, those who have a care for youth. It is an old trick, which works. Encouraged by such hirelings, this giant corrupter of youth exerts pressure in every village, town and city.

This new 1954-model racket has clever ways and means also of avoiding the law. It hauls its "literature" into your community in privately owned trucks to avoid postal inspection.

Nor can the FBI interfere because such trucks are not common carriers for hire and subject to interstate commerce rules. The giant works outside the law yet he begs for protection under the first amendment.

Sales of obscenity increased from 62 million units in 1946 to 712 million units in 1952. Roughly, an increase of 1,000 percent in sales. Where is our civic vigilance?

How can you be sure that one of your children will not be numbered among the 400,000 delinquents during 1954? What do parents say when they are suddenly summoned into court? "I can't believe it's my Jimmy!" is the familiar expression which a judge hears. But, why not Jimmy? What makes him immune to the influence of the peddlers of smut and indecent publications which can be bought as easily as candy in dozens of places?

WHAT TYPE OF LAW NEEDED?

A. Every State should have a law hitting the distribution of indecent publications. The very act of bringing such printed matter into a community should be the principal or primary crime.

Any sale by a retailer should automatically involve the distributor who trucked that article into the community for sales purposes. These distributors are the real criminals because they deliberately plan the whole overt act.

Your local retailer does not order any of the materials trucked to him by these distributors. The truckers bring the bundles twice weekly and the material in those bundles is selected by the distributors.

You must understand that the distributors are actually happy when the local druggist is arrested for sale of such printed poison. The result means publicity for the distributor's smut.

Meanwhile the distributor is out of the county's jurisdiction and sits back and laughs at the local fight which is putting cash in his pocket. He will hire lawyers to yell "censorship," and keep the fight alive.

B. There should be a local board set up by ordinance which will check the materials coming into a community. Usually, the obviously dirty publications are kept out if such a board exists.

THE DETROIT PLAN

In the city of Detroit the police department operates with such a board and does a grand job of checking before materials get out to the stands. In cases of dispute between the board and the distributor, a review of the material is given to the prosecuting attorney along with reasons why the Board feels it is against the law and should be prosecuted.

The board is not the final authority and it should not be. The courts must be the last authority. But an amazing amount of rot can be stopped in this first instance by the screening board.

The State of Michigan has an average good law. But in its application, no law any better than the courage of the parents and the civic authority of a given community.

Thomas Jefferson was so right when he wrote in 1787: "The people are the only sure reliance for the preservation of our liberty."

Any preventive measure will bring a cry of "censorship" from the racketeers. However, let's examine the real situation. First and foremost, the stuff is not ordered. It is selected by the publishers and distributors for its sexy content and mockery of morals and is presented on these "merits." These are the two culprits who decide what your children are to read.

Isn't it more reasonable that a cross section of substantial citizens decide what reading matter should be admitted to a community?

Isn't it government in the very nature of our Founding Fathers for parents to act as Minute Men and women; isn't it proper for them to heed the alarm and detect and prevent a sneak attack on their children? Should they not seek its prosecution by lawful authorities? Or better still, should they not seek cooperation from conscientious retailers? Such dealers want to know if reading matter on their stand is harmful to youth.

This parents' board is not, however, to have the final authority; rather it is to act as a bulwark for the protection of the children of the community. But parents can aid the prosecuting attorney, they can be the first line of vigilance to detect evil literature coming into the village or city and name the offending distributors.

The law and the courts are the final authority. But to ask one court to act on scores of obscene publications is like asking the village plumber to stop a Mississippi flood. This is why there is need for a community board.

THE LEGAL POINT OF VIEW

While we are speaking of courts, let it be said on the side of truth that the decision of one judge as to whether or not a book is obscene is purely a personal standard of that judge. It is not a case law decision. It is the same thing as asking a judge "what is blue" and another "what is red."

True, there are some decisions on the definition of words like obscene or lewd but the application to a publication in question is the personal reaction of the presiding judge. That same judge could very well consider a strip-tease act on the village square a work of art. His decision might be based on "advancement" over common decency.

On the other hand, if a chief of police on his own, or a board on its own, assumes final authority over a publication, the judge ruling on the case would have to state that such assumed authority was unconstitutional; and he would have "case law" to back him up.

The essence of good government is to have the mayor who is invested with civic authority appoint a board so that they can assist him in law enforcement.

Sometimes the opposition forces make a big thing out of a decision by a liberal judge. But keep in mind that this judge, either by environment and/or relationship and culture, may have been tied to a powerful publisher when pronouncing certain books an "expression of thought" when they should have been labeled "obscene." Don't let anyone tell you that there was any legal magic involved.

We repeat that it is the avalanche of filth and not simply one book which demands community action on the part of parents. It is difficult to write a law against an evil which, in this case, is an abuse of the noble art of printing. But criminal forces are using mass infiltration tactics, and, therefore, it has to be met by drastic measures.

MASS INFILTRATION

Mathematically there are not enough courts in the world to handle the mass infiltration of 259 million pocket books annually, of the 90 million comics monthly, and the innumerable sadistic-girlie magazines of various types. Court action on each would result in a ridiculous situation.

This factor is another reason why parents must act in each community and assist their prosecuting officers and civic authorities in cleaning up their town with the preventive measures previously suggested.

We all hate the taking away of any true inalienable rights of man, but certainly this spreading of indecency, of dangerous information, and of criminal teachings cannot come under the title of inalienable rights.

As Thomas Jefferson put it: "Can the liberties of a nation be secure when we have removed a conviction that these liberties are a gift of God?"

By what stretch of the imagination, or of the law, can we contend that publications totally repulsive to the idea of God, can be said to be his gift to a free people?

If this Nation was founded on the principles of religion and freedom and a trust in God, and upon the inalienable rights of man coming from God, under His natural law, then that which would destroy God's moral code cannot claim protection under those freedoms He ordained for us as a free people.

THE OPPOSITION

The loudest cry of the opposition, and a clever one shouted: "New Law Will Take Bible Out Of Home." The papers carried that headline. Some uninformed parents fell for it. The trickery behind that strategy even made the house committee of the legislature hesitate.

But it is not true that the Minnesota Legislature turned down a new law. Here are the facts: The proposed law was presented to the senate's general legislation committee by Senator B. Grottum and that committee composed of veterans of long service passed the bill from the committee at the first hearing.

But a companion bill, presented to the house crime prevention committee by Representative Gordon Forbes, was held up because about 75 persons, led by the American Civil Liberties Union, appeared in opposition. This house committee was composed of several freshman legislators, with strong Twin City membership, who fell for the sensational Bible-Shakespeare tactics. By postponing hearings, they pigeonholed the bill.

Therefore, the Legislature of the State of Minnesota never had a chance to vote on the bill. A poll showed that 85 percent of the people of Minnesota

avored an even stronger bill than the one proposed and letters to that effect deluged the legislature.

AN INTERESTING OBSERVATION

The opposition argues heatedly for the "whole content" rule, which asserts that a book must be totally obscene in content and intent before it is stopped. The alternate "single passage" rule maintains a stricter stand. If filthy passages are planted even scatter-fashion in the book, a few redeeming chapters do not succeed in exempting it from disapproval.

There is some merit in the "whole content" rule, but it has become the weapon and protection of clever publishers. They plant repugnant, "rock-bottom" scenes, then whitewash the remaining chapters and proceed to get by on the "whole content" rule.

The same strategy is utilized by the publishers of many comics. They depict, portray, and suggest the most sadistic patterns imaginable, insert once "Crime does not pay" and thus claim an excuse for their wanton disregard for decency.

The publication world is well aware that by holding to the "whole content" rule and by other clever manipulations, they can render the law useless. This is why they continue to fight the real teeth found in the "single passage" rule, and why they dislike parent boards.

SALES INCREASE

Somehow, the publication racket has managed to dupe parents as well as children. The sales mount at an alarming increase of 1,000 percent between 1946 and 1951. Comics have soared from 50 to 90 million per month since 1951. Figures are facts and these facts are staggering.

Parents are alarmed when presented with the actual printed pulp. They become outraged and irate upon the realization of their innocent ignorance. They desire action but rely necessarily upon the cooperation of all parents. Positive and immediate action requires unity. The unified demand for protective legislation by parents can positively outlaw the rape of the minds and welfare of our youth.

EFFECT

We judges know that there is no one cause for delinquency. There are several factors which lead a child into delinquency, some predominate more than others. We know that there are hidden causes in many cases which are not so apparent as a home broken by divorce, for example.

But let's examine the records and be practical about the matter. You name any type of crime which youth committed in 1953 and you will find appalling crimes which were not associated with youth in the past.

For every one you name and cite the action thereof, a pocket book, crime magazine or comic can be produced with blueprints telling the youth just how to commit that crime. Details are given in the rotten literature which tell youth how to commit sadism, theft, robbery, perversion, and how to operate teenage sex clubs and dope rings. These "blueprints" are available to youth on newsstands.

In This Week magazine, April 20, 1947, J. Edgar Hoover of the FBI stated, "High in the ranks of contributors to juvenile delinquency are the vicious and unscrupulous peddlers, producers and printers of obscene literature. They are as responsible as the sex fiends they incite by their wares. After one brutal rape-murder case the killer told police, 'It was them magazines—the ones with sex pictures in them'."

Another victim: "14-year-old Walter was arrested after a woman reported that someone was walking on the roof of her house. The youth carried a bottle of chloroform, a pad of cotton, a billy club and leather shoelaces in his pockets. He openly admitted his intentions to use the chloroform and club for assault, commit the sex act and tie her up with the shoestring. Walter came from a good family. Hidden under the mattress of his bed was a bundle of obscene pictures and magazines. From them Walter had formulated his vicious plan."

Again: "Don't the comic books always tell you at the end that you can't win?" a police officer asked a 15-year-old gang leader, "Sure," was the answer, "but we never read the end—just how." This youthful gang slugged a taxi driver to death.

Magazines of this caliber frequently carry innocent "western" titles, or something to suggest "Crime does not pay." But the poison is there in spite of the sugarcoating.

In the November 9, 1953, Newsweek, the FBI listed: "Availability of salacious literature and entertainment glorifying crime," as factors concerned with the terrifying increase in juvenile delinquency for 1953.

Bear in mind, since Mr. Hoover made his first statement in 1947, the crime publications and rot books have increased 1,000 percent.

AUTHORITIES REPORT

Now let's get down to real facts and plow under these "rationalizations" of the hired journalists and hybrid educators.

In 1952, Judge Mulholland of the New York domestic relations court sent certain literature to several educators, psychologists and psychiatrists for their opinions. (See Gathings Committee Report.)

The boy involved in this case was sent to Dr. Joseph Manno, psychiatrist in charge of King's County Hospital. "I find that the child had read page 26 of one book before he committed the crime. It is my opinion that the antisocial act was precipitated by the reading of this book. It is obscene, provoking and detrimental to the healthy emotional growth of young people. It unwisely stimulates and excites the sexual urges of young boys while they are still in the state of increased suggestibility. It would be wise if such books were prohibited by law to minors."

Dr. Ernest Harms, editor of The Nervous Child stated, "If I had anything to say about it, such books would be kept out of juvenile hands."

Dr. Richard Hoffman of New York stated: "There are some phases of life that are not for the youngsters. Exposing juveniles to trashy muck under the name of literature, produces the kind of effect in the potential delinquent as to light a torch for their lust. For this reason, such books should be condemned."

Dr. Frederic Wertham, psychiatrist of Queens Hospital, New York, said, "From pages 28 to 31 of one book, it described an episode where a group of boys pay a girl for having intercourse with them all, and then take the money away from her by violence. I have examined a number of boys who did just that—and this book should be a good primer for teaching it to those who haven't had the idea yet."

In answers to the advocates of facts of life, Superintendent of New York Schools, Dr. Frank D. Whelan, stated: "Will a step-by-step description of how to jostle a young girl in a subway train diminish delinquency, or a detailed catalogue of the sex possibilities of a cellar club head youngsters to shun them? You don't put out a fire by fanning the flame."

J. Ritchie Stevenson, New York Vocational School: "The books are obscene and serve no good purpose. There is a tendency for the adolescent to imitate the characters portrayed in the books. I would never recommend these filthy books to anyone. In fact, I feel these books are dangerous in the hands of the adolescent boy and girl."

There is more detailed testimony about the effect of such books; but the direct quotations from cross sections of responsible men should serve to answer any fake arguments from the opposition.

THE GATHINGS COMMITTEE REPORT OF MAY 2, 1952

The Gathings Committee was set up by Congress to investigate the vast infiltration of indecent publications on newsstands across the Nation. In that report it was brought out that some 250 million pocket books were sold each year and that an estimated 90 million comics per month hit the communities of our Nation.

Added to these are the unestimated number of girlie, murder, and smut, variety of which there is no accurate account.

The report also made it clear that a few decent-minded men of the distribution business were deeply concerned. For example, Samuel Elack, vice president of the Atlantic Coast Distributors, in a speech at their convention April 1952, in Florida, said: "Frankly, there is no real excuse for much of the material we distribute. It is imperative that we free ourselves without delay. One wonders what manner of diseased mind can contrive such tripe. Many of the magazines, in addition, carry advertisements, of a nature so objectionable and so personal that we should not, under any circumstances, want our children to be exposed to it."

Mr. O'Connor of the Bantam Books, Inc., was pinned down to this statement: "As a personal opinion, I will say I wouldn't want to give them (the pocket books named) to an adolescent. No, I wouldn't give them to my daughter, for example."

Mr. David Cook of the Cook Publishing Co. said in 1951 that he personally knew of over 50 million comics per month sold. He stated: "Since most children have difficulty in their earlier years, the visual presentation makes it easy for them to understand what is going on. To my mind, the potential damage to impressionable young minds done by this kind of thing is shocking. This naked appeal to sadism, horror and cruelty does a harm which is incalculable."

The independent agency which tabulates comic book distribution points out that in January (1954) there were 412 different comic titles on the stands. Since a publisher cannot afford to print less than 300,000 of a title, you can see that the monthly distribution is close to 100 million.

To insure the 68 percent sale which a comics publisher needs to break even, covers must be progressively lurid. And since profit depends on sales in excess of 68 percent, cover and contents must be tuned to an even lowering degree of the depraved taste which so many of these comics develop.

A REPORT FROM MINNEAPOLIS

As funny as any comic is the Report of the Mayor's Committee on Indecent Literature of the City of Minneapolis. The report informs us that Minneapolis does not have the same low-type publications on its newsstands as are found in other cities. And then the report goes on: "There are some bad pocket books on the stands, but the Bible is displayed too, and you wouldn't want to prohibit the sale of the Bible!"

It continues: "There are some objectionable comics but comics are such a stimulant to reading, we believe the good effect outdoes the bad."

For a retort to that ridiculous statement, read the article "What Parents Don't Know About Comics," in the Ladies Home Journal, November 1953.

Your attention is drawn to this particular report on Minneapolis because of its failure to be true and informative. Such reports are not uncommon.

Erle Stanley Gardner, the great mystery writer, speaking before the National Librarians' Convention at Los Angeles, June 22, 1953, called attention to the flood of pornographic literature upon the newsstands. "It must be controlled or it will be necessary to resort to legal censorship." Mr. Gardner went on to say: "Pornographic literature is pouring from the presses of unscrupulous publishers. Young people are developing false ideas of life from the millions of copies of smut publications sold at magazine stands.

"Certain unscrupulous publishers began deliberately to cater to the inflammable and uninformed sex urges of the adolescent," said Gardner. He added: "If libraries were made more attractive to youngsters and teen-agers it would be a constructive force in combating juvenile delinquency."

George E. Sokolsky, noted columnist, stated: "I must say it would cause little damage to our civilization if the pornographic miseries that are being sold to our children on newsstands and in candy stores were burned. Also, some of the mystery stories which substitute filthy expressions for skillful narrative could be burned with little loss to anyone."

The American Legion at its 1953 St. Louis Convention, condemned the obscenity sold on newsstands and placed the restriction of such sale as a point in its welfare program.

"We heartily concur with your appraisal of the danger to the morals of our youth which exists through the sale of indecent literature," states a letter from Legion headquarters at Indianapolis.

The Legion realizes that the leaders of tomorrow cannot be raised on, nor infiltrated with, the pornographic miseries of today if we wish to remain a great Nation. Once a culture begins to rot from within, the scavengers gather for the spoils.

As Lincoln put it "America will never be conquered from without. If it perishes, it will do so from within."

WARNING TO PARENTS EVERYWHERE

It was the American Civil Liberties Union and the Twin City newspapers which led the fight against the stronger indecent publications bill as introduced into the house and senate committees of the Minnesota Legislature. (February 1953.)

History repeated itself in this instance. Many innocent people were duped and filled the committee rooms at the house hearings. These no doubt contributed money as well as time. Recall the many innocents who contributed money to the American Civil Liberties Union for the defense of Earl Browder, Harry Bridges, and recently the two Rosenbergs.

Here are some facts: House Report No. 2290, 71st Congress, 3d session, 1931: "The American Civil Liberties Union is closely affiliated with communistic movement in the United States and fully 90 percent of its efforts are on behalf of Communists who have come in conflict with the law. It claims to stand for free speech, free press and free assembly—but it is quite apparent the main function is furthering of Communist work."

Naval Intelligence accuses, 1938: "American Civil Liberties Union—this organization is too well known to need description. The larger part of the work carried on by it and its various branches does undoubtedly materially aid communistic objectives."

California Legislative Report, 1949: "It is obvious that the main function of the American Civil Liberties Union is to protect Communist objectives."

American Legion Convention, St. Louis, 1953: "*Be it resolved* That the House Un-American Activities Committee, the Senate Internal Security Subcommittee be urged to investigate the activities of the American Civil Liberties Union, and if warranted, institute prosecution under the Smith and/or McCarran Acts."

This is the group which professes to be concerned with your liberties; and they, with the Twin City press, shouted: "New Law Will Take Bible Out of Home."

How long and how often can the American people be duped? Parents, wake up! The objective of communism is to despoil your children, to rob them of their respect for law and the teachings of morality, to enslave them with sex and narcotics. When that happens, the seeds of communism will fall on fertile ground.

WHAT CAN YOU DO

Until the time comes when a suitable law is enacted, parents must act and continue to act. Parents can go to their mayor and ask that a parents' committee be appointed from a cross section of service and civic clubs to assist the county or city or State attorney and the police. Parents can be vigilantes for their children and see what muck is coming into the local stands and who sells it. A report of their findings can be made to the mayor and prosecuting attorneys.

Parents could also without belligerence, point out the objectionable materials to the retailers. It is certain many good citizens who would not for the world want to injure the youth of a community, have such materials in their stores.

Retailers do not have time to check and read the products on their stands and would welcome any help in cleaning them up.

When such safeguards are set up there will be no need of censorship. Poison bears a skull and crossbones label but wise parents do not depend on this label; they put rat poison where their children cannot reach it.

The time for action is now. Save your child from the "brain washings" distributed by the racketeers of rot.

"The publisher of books and magazines enjoys the protection of our constitutional guarantee that the freedom to write and publish shall not be curbed. He also has the responsibility not to abuse this freedom."—Minneapolis Sunday Tribune, February 21, 1954.

Mr. CLENDENEN. I also have an item from the Committee on Evaluation of Comic Books in Cincinnati, Ohio, which contains a rather detailed evaluation of comics presently upon their standards, these evaluations are related to a certain criteria which they have developed in relation to what they believe are the effects of these materials upon youngsters.

The CHAIRMAN. Without objection, those items will be made a part of the record. Let those be "Exhibits Nos. 6a and 6b."

(The evaluations referred to were marked "Exhibits Nos. 6a and 6b," and read as follows:)

EXHIBIT No. 6A

PUBLISHERS WHOSE COMIC BOOKS HAVE BEEN EVALUATED

June 1953

The Committee on Evaluation of Comic Books, Box 1486, Cincinnati, Ohio, has evaluated 418 comic books published by 106 publishers. These books cover a period of 3 or 4 months' publication and therefore are a larger number than are in publication at any particular time. Since most of them are still in circulation, it is deemed wise to include them here for the guidance of those who seek it. The committee has graded this literature and placed it in the four levels of (A) no objection, (B) some objection, (C) objectionable, and (D) very objectionable. Those books rated A and B are considered safe for use by children and young people.

PUBLISHERS, LOCATIONS OF THEIR EXECUTIVE OFFICES, AND THEIR PUBLICATIONS

- A. A. Wynn, Inc., 23 West 47th Street, New York, N. Y.; Glamorous Romances (B), Real Love (B), The Hand of Fate (D), Web of Mystery (D).
 Ace Magazines, Inc., 23 West 47th Street, New York, N. Y.; Complete Love Magazine (C), Ten-Story Love (B), War Heroes (C), World War III (C).
 Ace Periodicals, Inc., 23 West 47th Street, New York, N. Y.; Love Experiences (C).
 Allen Hardy Associates, 500 Fifth Avenue, New York, N. Y.; Danger (C), War Fury (C), Weird Terror (D).
 Animirth Comics, Inc., 270 Park Avenue, New York, N. Y.; Battlefield (C), Spellbound (D).
 Archie Comic Publications, Inc., 241 Church Street, New York, N. Y.; Archie Comics (A), Jughead Comics, Archie's Pal (A), Wilbur Comics (A).
 Aragon Magazines, Inc., 949 Broadway, New York, N. Y.; Mister Mystery (D).
 Arnold Publications, Inc., 578 Summer Street, Stamford, Conn.: Marmaduke Mouse (A).
 Atlas News Co., 350 Fifth Avenue, New York, N. Y.; Lovers (B).
 Avon Periodicals, Inc., 575 Madison Avenue, New York, N. Y.; Buddies in the U. S. Army (C), Eerie (D), Fighting Daniel Boone (B), Fighting Under Sea Commandos (B), Merry Mouse (A), Night of Mystery (C), Peter Rabbit (A), Space Mouse (A), U. S. Tank Commandos (C), Wild Bill Hickock, (C), Witchcraft (D).
 Bard Publishing Corp., 350 Fifth Avenue, New York, N. Y.; Patsy Walker (A).
 B. & M. Distributing Co., 45 West 45th Street, New York, N. Y.; Dizzy Dames (A), Skeleton Hand (C).
 Best Syndicated Features, Inc., 45 West 45th Street, New York, N. Y.; Adventures Into the Unknown (D), Romantic Adventures (A), Spy-Hunters (C), The Kilroys (B).
 Better Publications, Inc., 10 East 40th Street, New York, N. Y.; Exciting War (C), Popular Romance (C).
 Beverly Publishing Co., 480 Lexington Avenue, New York, N. Y.; Secret Hearts (A).
 Broadcast Features Publishing Corp., 485 Madison Avenue, New York, N. Y.; My Friend Irma (B).
 Canam Publishers Sales Corp., 350 Fifth Avenue, New York, N. Y.; Journey Into Mystery (C), War Action (C).
 Capitol Stories, Inc., Charlton Building, Derby, Conn.: Crime and Justice (D), Hot Rods and Racing Cars (C), Lawbreakers Suspense Stories (D), Racket Squad in Action (C), Space Adventures (C), Space Western Comics (C), The Thing (D), True Life Secrets (C).
 Chipiden Publishing Corp., 350 Fifth Avenue, New York, N. Y.; Strange Tales (D).
 Classic Syndicate, Inc., 350 Fifth Avenue, New York, N. Y.; Mystic (D), Spy Fighters (C).
 Close-Up, Inc., 241 Church Street, New York, N. Y.; Katy Keene (A), Laugh Comics (A), Super Duck Comics (A), Suzie Comics (A).
 Comic Combine Corp., 350 Fifth Avenue, New York, N. Y.; Men's Adventures.
 Comic Favorites, Inc., 578 Sumner Street, Stamford, Conn.: Doll Man (C), Gabby (A), Jonesy (B).
 Comic Magazines, 347 Madison Avenue, New York, N. Y.; Blackhawk (C), Candy (A), Crack Western (C), G. I. Combat (C), G. I. Sweethearts (B), Heart Throbs (B), Ken Shannon (C), Love Confessions (B), Love Letters (B), Love

- Secrets (B), Plastic Man (C), Police Comics (C), T-Man (C), War Romances (C), Web of Evil (D)
- Cornell Publishing Corp., 350 Fifth Avenue, New York, N. Y.: Girl Confessions (B)
- Creston Publications, Inc., 45 West 45th Street, New York, N. Y.: Giggle Comics (A), Ha Ha Comics (A), Soldiers of Fortune (C)
- Crestwood Publishing Co., 1790 Broadway, New York, N. Y.: Black Magic (C), Young Love (A)
- Cross Industries Corp., 9 West 57th Street, New York, N. Y.: The Perfect Crime (C)
- Current Books, Inc., 23 West 47th Street, New York, N. Y.: Crime Must Pay the Penalty (D)
- Dell Publishing Co., Inc., 261 Fifth Avenue, New York, N. Y.: Andy Hardy Comics (A), Andy Panda, Walter Lantz (A), Beetle Bailey (A), Bozo (A), Buck Jones (C), Bugs Bunny (A), Daffy (A), Desert Gold, Zane Grey's (B), Donald Duck Walt Disney's (A), Double Trouble (A), Duck Album, Walt Disney's (A), Elmer Fudd (A), Flash Gordon (A), Francis, the Famous Talking Mule (A), Gene Autry Comics (B), Gene Autry's Champion (B), Gerald McBoing Boing (A), Goofy, Walt Disney's (A), Henry, Carl Anderson's (A), Henry Aldrich (A), Howdy Doody (A), Indian Chief (B), Johnny Mack Brown Comics (B), Lassie (A), Little Iodine (A), Little Lulu, Marge's (A), Looney Tunes and Merrie Melodies (A), Mickey Mouse, Walt Disney's (A), New Funnies, Walter Lantz (A), Oswald, the Rabbit, Walter Lantz (A), Petunia (A), Pogo Possum (A), Popeye (A), Porky Pig (A), Raggedy Ann & Andy (A), Rex Allen Comics (B), Rootie Kazootie (A), Roy Rogers Comics (C), Rhubarb, the Millionaire Cat (A), Sergeant Preston of the Yukon (B), Tarzan (A), Tom Corbett, Space Cadet (B), Tom and Jerry Comics (A), Trigger, Roy Roger's (A), Tubby, Marge's (A), The Cisco Kid (B), The Flying A's Range Rider (C), The Little Scouts (A), The Lone Ranger (C), The Lone Ranger's Famous Horse, Hi-Yo Silver (A), The Lone Ranger's Companion, Tonto (A), Uncle Scrooge, Walt Disney's (A), Woody Woodpecker, Walter Lantz (A), Zane Grey's Desert Gold (B), Zane Grey's King of the Royal Mounted (C)
- Educational Comics, Inc., 225 Lafayette Street, New York, N. Y.: Mad (C)
- Excellent Publications, Inc., 30 East 60th Street, New York, N. Y.: Battle Report (D), The Fighting Man (B), The Fighting Man Annual (B), War Report (C), War Stories (C)
- Fables Publishing Co., 225 Lafayette Street, New York, N. Y.: Two-Fisted Tales (C), The Haunt of Fear (C), Weird Science (D)
- Family Comics, Inc., 1360 Broadway, New York, N. Y.: Casper, the Friendly Ghost (A), Paramount Animated Comics (A)
- Famous Funnies Publications, 500 Fifth Avenue, New York, N. Y.: Buster Crabbe (C), Famous Funnies (C), Movie Love (A), New Heroic Comics (A)
- Farrell Comics, Inc., 30 East 60th Street, New York, N. Y.: Haunted Thrills (D), Strange Fantasy (D), The Lone Rider (C)
- Fawcett Publications, Inc., 67 West 44th Street, New York, N. Y.: Battle Stories (C), Beware! Terror Tales (D), Bill Battle (C), Captain Marvel (A), Captain Marvel, Jr. (B), Funny Animals (A), Hopalong Cassidy (B), Lash LaRue Western (B), Life Story (C), Master Comics (B), Monte Hale Western (B), This Magazine Is Haunted (D), Nyoka, the Jungle Girl (B), Rocky Lane Western (B), Rod Cameron Western (B), Romantic Story (B), Six-Gun Heroes (C), Soldier Comics (C), Sweethearts (C), Tex Ritter Western (C), Tom Mix Western (B), The Marvel Family (C), Underworld Crime (C), Whiz Comics (D), Worlds of Fear (D)
- Fight Stories, Inc., 1658 Summer Street, Stamford, Conn.: Fight Comics (B)
- Feature Publications, Inc., 1790 Broadway, New York, N. Y.: Frankenstein (C), Prize Comics Western (B), Young Brides (B), Young Romance (C)
- Fiction House, 1658 Summer Street, Stamford, Conn.: Ghost Comics (D)
- Gem Publications, Inc., 350 Fifth Avenue, New York, N. Y.: Patsy & Hedy (A)
- Gillmore Publications, Inc.: Weird Mysteries (D)
- Flying Stories, Inc., 1658 Summer Street, Stamford, Conn.: Man O' Mars (B)
- Four Star Publications, Inc., 30 East 60th Street, New York, N. Y.: Fantastic Fears (C), G I in Battle (C), G I in Battle Annual (C), Voodoo (D)
- Gilbertson Co., Inc., 826 Broadway, New York, N. Y.: Classics Illustrated, David Balfour (A)
- Glen-Kel Publishing Co., 1658 Summer Street, Stamford, Conn.: Jungle Comics (C), Kaanga Jungle King (D)
- Harve Picture Magazines: War Comics (C)

- Harvey Enterprises, Inc., 1860 Broadway, New York, N. Y.: First Love Illustrated (C), Horace and Dotty Dripple Comics (A)
- Harvey Picture Magazines, Inc., 1860 Broadway, New York, N. Y.: Little Audrey Comics (A), Warfront (C)
- Harvey Publications, Inc., 1860 Broadway, New York, N. Y.: Blondie (A), Dagwood Comics, Chic Young's (A), Daisy and Her Pups (A), Dick Tracy Comics Monthly (C), Jiggs and Maggie (A), Joe Palooka Adventures (B), Katzenjammer Kids (A), Little Max Comics (A), Sad Sack Comics (A), Tomb of Terror (D)
- Harwell Publications, Inc., 500 Fifth Avenue, New York, N. Y.: All True Romance (C), Horrific (D)
- Headline Publications, Inc., 1790 Broadway, New York, N. Y.: Headline Comics (C), Justice Traps the Guilty (C)
- Hercules Publishing Corp., 350 Fifth Avenue, New York, N. Y.: Menace (C), Spy Cases (D)
- Hillman Periodicals, Inc., 535 Fifth Avenue, New York, N. Y.: Airboy Comics (B), Dead-Eye Western (D), Frogman Comics (B), Hot Rod and Speedway Comics (B), Real Clue Crime Stories (C), Romantic Confessions (A)
- Home Comics, Inc., 1860 Broadway, New York, N. Y.: Black Cat Mystery (D), First Romance Magazine (B), Hi-School Romance (C), Love Problems and Advice Illustrated (B)
- I. C. Publishing Co., Inc., 225 Lafayette Street, New York, N. Y.: Tales from the Crypt (D), Weird Fantasy (C)
- Interstate Publishing Corp., 270 Park Avenue, New York, N. Y.: Battle Brady (C), Young Men on the Battlefield (C)
- Junior Books, Inc., 23 West 47th Street, New York, N. Y.: Fun Time (A)
- K. K. Publications, Inc., Poughkeepsie, N. Y.: Red Ryder Comics (B), Walt Disney's Comics and Stories (A)
- Leading Magazine Corp., 350 Fifth Avenue, New York, N. Y.: Kid Colt Outlaw (C)
- Lev Gleason Publications, Inc., 114 East 32d Street, New York, N. Y.: Black Diamond (C), Boy Illustories (C), Boy Loves Girl (C), Crime Does Not Pay (C), Crime and Punishment Illustories (D), Daredevil (A), Dilly (A), Lover's Lane (A)
- Literary Enterprises, Inc., 10 East 40th Street, New York, N. Y.: Buster Bunny (A), Fantastic Worlds (C), Lucky Duck (A), Peter Pig (A), Sniffy the Pup (A), Supermouse, the Big Cheese (A)
- L. L. Publishing Co., Inc., 225 Lafayette Street, New York, N. Y.: Crime Suspense Stories (D), The Vault of Horror (D)
- Love Romances Publishing Co., Inc., 1658 Summer Street, Stamford, Conn.: Planet Comics (C)
- Magazine Enterprises, 11 Park Place, New York, N. Y.: Best of the West (C), Big Town (C), Cave Girl (C), Straight Arrow (C), Tim Holt (C), The American Air Forces (B), The Durango Kid (C), The Ghost Rider (D)
- Magazine Publishers, Inc., 737 North Michigan Avenue, Chicago, Ill.: Mazie (A), Mortie (A), Stevie (A)
- Marjean Magazine Corp., 350 Fifth Avenue, New York, N. Y.: Justice (D)
- Marvel Comics, Inc., 350 Fifth Avenue, New York, N. Y.: Marvel Tales (D)
- Master Comics, Inc., 11 East 44th Street, New York, N. Y.: Dark Mysteries (D), Romantic Hearts (A)
- Michel Publications, Inc., 45 West 45th Street, New York, N. Y.: Cookie (A), Funny Films (A), Lovelorn (A), Operation: Peril (C), The Hooded Horseman (C)
- Minoan Publishing Corp., 17 East 45th Street, New York, N. Y.: Love Doctor, Dr. Anthony King (C), Tales of Horror (D), The Purple Claw (D)
- Miss America Publishing Corp., 350 Fifth Avenue, New York, N. Y.: Miss America (A)
- National Comics Publications, Inc., 480 Lexington Avenue, New York, N. Y.: Action Comics (C), A Date With Judy (A), Adventure Comics (B), All American Men of War (B), All Star Western (C), Bat Man (C), Buzzy (C), Comic Cavalcade (A), Detective Comics (B), Flippity and Flop (A), Funny Stuff (A), Gang Busters (B), Here's Howie (A), Hollywood Funny Folks (A), House of Mystery (C), Leading Screen Comics (A), Leave It to Binky (A), Movietown's Animal Antics (A), Mr. District Attorney (B), Mutt & Jeff (A), Mystery In Space (B), Our Army at War (B), Peter Porkchops (A), Real Screen Comics (A), Sensation Mystery (C), Star Spangled War Stories (A), Strange Adventures (C), Superboy (B), Superman (B), The Adventures of Bob Hope (A),

The Adventures of Dean Martin and Jerry Lewis (A), The Adventures of Rex, the Wonder Dog (C), The Fox and the Crow (A), The Phantom Stranger (C), Tomahawk (C), Western Comics (B), Wonder Woman (C), World's Finest Comics (C).

Newsstand Publications, Inc., 350 Fifth Avenue, New York, N. Y.: Lorna the Jungle Queen (D), Man Comics (D)

Official Magazine Corp.: Wendy Parker (B)

Orbit Publications, Inc., 1819 Broadway, New York, N. Y.: Wanted Comics (C)

Our Publishing Co., 1819 Broadway, New York, N. Y.: Love Diary (B), Love Journal (C)

Periodical House, Inc., 23 West 47th Street, New York, N. Y.: Baffling Mysteries (D), Love at First Sight (B)

Parkway Publishing Corp., 11 Park Place, New York, N. Y.: Bobby Benson's Bar-B Riders (C)

[Reprinted from Parents Magazine]

Postal Publications, Inc., 350 Fifth Avenue, New York, N. Y.: Patsy & Her Pals (A)

Preferred Publications, Inc., 45 West 45th Street, New York, N. Y.: Forbidden Worlds (D)

Prime Publications, Inc., 350 Fifth Avenue, New York, N. Y.: Uncanny Tales (D)

Randall Publishers, Ltd., 30 Strathearn Road, Toronto, Ontario, Canada: Mysteries (D)

Real Adventures Publishing Co., Inc., 1658 Sumner Street, Stamford, Conn.: Jet Aces (C), Jumbo Comics (C), Long Bow (B), Sheena (C)

Realistic Comics, Inc., 575 Madison Avenue, New York, N. Y.: Cowpuncher (C), Kit Carson (B), Spotty the Pup (A), Women to Love (C)

Ribage Publishing Corp., 480 Lexington Avenue, New York, N. Y.: Crime Mysteries (D), Youthful Romances (C)

Signal Publishing Co., 125 East 46th Street, New York, N. Y.: Girls' Love Stories (A), Girls' Romances (B)

Sphere Publishing Co., 350 Fifth Avenue, New York, N. Y.: Millie the Model (A)

Sports Action, Inc., 350 Fifth Avenue, New York, N. Y.: Combat Casey (C)

Standard Magazines, Inc., 10 East 40th Street, New York, N. Y.: Date With Danger (C), Intimate Love (B), Jetta (C)

Star Publications, Inc., 545 Fifth Avenue, New York, N. Y.: All-Famous Police Cases (D), Confessions of Love (C), Frisky Animals (A), Fun Comics (A), Popular Teen-Agers (C), Shocking Mystery Cases (D), Spook (D), Startling Terror Tales (D), Terrifying Tales (D), Terrors of the Jungle (D), Top Love Stories (B), The Horrors (C), The Outlaws (C), True to Life Romances (B), Weird Tales, Blue Bolt (D)

St. John Publishing Co., 545 Fifth Avenue, New York, N. Y.: Abbott and Costello (A), Anchors, the Salt Water Daffy (B), Atom-Age Combat (C), Authentic Police Cases (C), Basil the Royal Cat (A), Diary Secrets (B), Gandy Goose Comics (A), Heckle and Jeckle Comics, Paul Terry's (A), Little Eva (A), Little Ike (B), Little Joe (A), Little Roquefort Comics, Paul Terry's (A), Mopsy (A), Paul Terry's Comics (A), Paul Terry's Mighty Mouse Comics (A), Pictorial Romances (C), Teen-Age Romances (B), Teen-Age Temptation (B), Terry-Toons Comics (A), True Love Pictorial (C), War-Time Romances (C), Weird Horrors (C), Zip-Jet (C)

Stanhall Publications, Inc., 480 Lexington Avenue, New York, N. Y.: G. I. Jane (B), Oh, Brother (A)

Stanmor Publications, Inc., 175 Fifth Avenue, New York, N. Y.: Battle Cry (C)

Story Comics, Inc., 7 East 44th Street, New York, N. Y.: Fight Against Crime (D), Mysterious Adventures (D)

Superior Publishers Limited, 2382 Dundas Street West, Toronto, Ontario, Canada: Journey Into Fear (D), Love and Marriage (B), My Secret Marriage (A), Secret Romances (C), Strange Mysteries (D)

Timely Comics, Inc.: Love Romances (B)

Tiny Tot Comics, Inc., 225 Lafayette Street, New York, N. Y.: Frontline Combat (A), Shock Suspense Stories (D)

Toby Press, Inc., 17 East 45th Street, New York, N. Y.: Big Tex (C), Billy the Kid (C), Felix the Cat, Pat Sullivan's (A), Great Lover Romances (C), John Wayne Adventure Comics (C), Monty Hall of the U. S. Marines (C), The Black Knight (C), Washable Jones and the Shmoo (A)

Trojan Magazines, Inc., 125 East 46th Street, New York, N. Y.: Attack! (B)

20th Century Comic Corp., 270 Park Avenue, New York, N. Y.: Astonishing (D)

• Kent Blake of the Secret Service (B), Mystery Tales (O).
 United Feature Syndicate, Inc., 220 East 42d Street, New York, N. Y.: Fritz Ritz (B), Nancy and Sluggo (A), Sparkle Comics (A), Sparkler Comics (A), The Captain and the Kid (A), Tip-Top Comics (A), Tip Topper Comics (A).
 Unity Publishing Corp., 23 West 47th Street, New York, N. Y.: The Beyond (D).
 Visual Editions, Inc., 10 East 40th Street, New York, N. Y.: Adventures into Darkness (D), Joe Yank (C), Kathy (A), New Romances (A), The Unseen (D), This Is War (C).
 Western Fiction Publishing Co., Inc., 270 Park Avenue, New York, N. Y.: Journey Into Unknown Worlds (C), Wild Western (C).
 Witches Tales, Inc., 1860 Broadway, New York, N. Y.: Chamber of Chills Magazine (D), Witches Tales Magazine (D).
 Wings Publishing Co., 1658 Summer Street, Stamford, Conn., Indians (B), Wings Comics (B).
 Youthful Magazine, Inc., 105 East 35th Street, New York, N. Y.: Atomic Attack! (C), Daring Confessions (B), Chilling Tales (D).
 Ziff-Davis Publishing Co., 366 Madison Avenue, New York, N. Y.: G. I. Joe (B).

EXHIBIT No. 6B

AN EVALUATION OF COMIC BOOKS—JULY 1953

The Committee on Evaluation of Comic Books, P. O. Box 1486, Cincinnati, Ohio, with 84 trained reviewers, has evaluated the 418 comic books available. They are placed in the categories of No Objection, Some Objection, Objectionable, and Very Objectionable. Those in the first two are deemed suitable for use by children and younger teen-agers.

The frequency of publication is indicated by the symbols (M) for monthly, (B) for bimonthly, (Q) for quarterly, and (O) for one-shots.

It is important to know the criteria at the end of this list if one desires to know why the Committee has rated these magazines as it has.

No objection

Abbott & Costello—B	Fun Time—Q
A Date With Judy—B	Funny Animals—B
Andy Hardy Comics—B	Funny Films—B
Andy Panda, Walter Lantz—B	Funny Folks
Archie Comics—B	Funny Stuff—B
Basil—B	Gabby—B
Beetle Bailey—O	Gandy Goose Comics—B
Blondie Comics Monthly—M	Gerald McBoing Boing—Q
Bob Hope, The Adventures of—B	Giggle Comics—B
Bozo—O	Girl's Love Stories—B
Bugs Bunny—B	Goofy, Walt Disney's—O
Buster Bunny—Q	Ha Ha Comics—B
Candy—M	Heckle and Jeckle Comics—B
Captain Marvel Adventures—M	Henry, Carl Anderson's—B
Casper, the Friendly Ghost—M	Henry Aldrich—Q
Classics Illustrated—David Balfour—M	Here's Howie—B
Comic Cavalcade	Hi-Yo Silver, The Lone Ranger's—Q
Cookie—B	Hollywood Funny Folks—B
Daffy—O	Horace and Dotty Dripple Comics—B
Dagwood Comics, Chic Young's—M	Howdy Doody—B
Daisy and Her Pups—B	Jiggs and Maggie—B
Daredevil—M	Jughead Comics, Archie's Pal—B
Dilly—B	Kathy—Q
Dizzy Dames—B	Katy Keene Comics—B
Donald Duck, Walt Disney's—B	Katzenjammer Kids—B
Double Trouble with Goober—O	Lassie, M-G-M's—Q
Duck Album, Walt Disney's	Laugh Comics—B
Elmer Fudd—O	Leading Screen Comics—B
Felix the Cat—M	Leave It to Binky—B
Flash Gordon—Q	Little Audrey Comics—M
Flippity and Flop—B	Little Eva—B
Francis, the Famous Talking Mule—O	Little Iodine—B
Frisky Animals—Q	Little Joe
Frontline Combat—B	Little Lulu, Marge's—M
Fun Comics—Q	

Little Max Comics—B
 Little Roquefort Comics, Paul Terry's—
 B
 Looney Tunes and Merrie Melodies—M
 Lovelorn—M
 Lover's Lane—B
 Lucky Duck—Q
 Marmaduke Mouse—M
 Merry Mouse—B
 Mickey Mouse, Walt Disney's—B
 Mighty Mouse Comics, Paul Terry's—M
 Millie the Model Comics—M
 Miss America—M
 Mopsy—B
 Mortie—Q
 Movie Love—B
 Movietown's Animal Antics—B
 Mutt and Jeff—B
 My Own Romance—M
 My Secret Marriage—B
 Nancy and Sluggo—B
 New Funnies, Walter Lantz'—M
 New Heroic Comics—M
 Oh, Brother—B
 Oswald, the Rabbit, Walter Lantz'—O
 Paramount Animated Comics—B
 Patsy and Hedy—M
 Patsy and Her Pals—B
 Patsy Walker—B
 Paul Terry's Comics—M
 Pep Comics—B
 Personal Love—B
 Peter Pig—Q
 Peter, Porkchops—B
 Peter Rabbit—B
 Petunia—O
 Pogo Possum—Q
 Popeye—Q
 Porky Pig—B

Some objection

Adventure Comics
 All American Men of War
 Anchors, the Salt Water Daffy—B
 Captain Marvel, Jr.—B
 Darling Confessions
 Desert Gold, Zane Grey's—Q
 Detective Comics—B
 Diary Secrets—B
 Dynamite—B
 Fight Comics—Q
 Fighting Daniel Boone—O
 Fighting Underseas Commandoes—Q
 First Romance Magazine—B
 Fritzi Ritz—B
 Frogman Comics
 Gang Busters—B
 Gene Autry's Champion—Q
 Gene Autry's Comics—M
 Girl Confessions—B
 G I Jane—B
 G I JOE—M
 G I Sweetheart—M
 Girl's Romances—B
 Glamorous Romances—B
 Heart Throbs—M
 Hopalong Cassidy—M

Raggedy Ann & Andy
 Real Screen Comics—M
 Rhubarb, the Millionaire Cat—O
 Romantic Adventures—M
 Romantic Confessions
 Romantic Hearts—B
 Rootie Kazootie—O
 Sad Sack Comics—B
 Secret Hearts—B
 Sniffy the Pup—Q
 Space Mouse—B
 Sparkle Comics—B
 Sparkler Comics—B
 Spotty the Pup—O
 Star Spangled War Stories
 Stevie—Q
 Super Duck Comics—B
 Supermouse, the Big Cheese—B
 Suzie Comics—B
 Tarzan—M
 Terry Toons Comics—B
 Tip Top Comics—B
 Tip Topper Comics—B
 Tom and Jerry Comics—M
 Trigger, Roy Rogers'—Q
 Tubby, Marge's—O
 The Adventures of Dean Martin and
 Jerry Lewis—B
 The Captain and the Kid—O
 The Fox and the Crow—B
 The Little Scouts—O
 Uncle Scrooge, Walt Disney's
 Walt Disney's Comics—M
 Washable Jones and the Shoos—O
 Wilbur Comics—B
 Woody Woodpecker, Walter Lantz'—B
 Young Love—M
 15 or 27%

Hot Rod and Speedway Comics
 Indian Chief—B
 Indians—B
 Intimate Love—B
 Joe Palooka's Adventures—B
 Johnny Mack Brown Comics
 Jonesy—B
 Kent Blake of the Secret Service—B
 Kit Carson—O
 Lash LaRue Western—M
 Little Ike
 Long Bow
 Love and Marriage—B
 Love Confessions—M
 Love at First Sight—B
 Love Diary—B
 Love Letters
 Love Problems and Advice Illustrated—
 B
 Love Romances—B
 Love Secrets—M
 Lovers—M
 Lucy—B
 Man O' Mars—O
 Master Comics
 Men's Adventures—B

Mr. District Attorney—B
 Monte Hale Western—B
 My Friend Irma—M
 Mystery in Space—B
 Nyoka the Jungle Girl—B
 Our Army at War—M
 Out of the Shadows—Q
 Prize Comics Western
 Real Love—B
 Red Ryder Comics—M
 Rex Allen Comics—Q
 Rex the Wonder Dog—B
 Rocky Lane Western—M
 Rod Cameron Western
 Romantic Story—Q
 Sergeant Preston of the Yukon—Q
 Space Adventures—B
 Space Western Comics
 Spellbound—B
 Superboy—B

Objectionable

Action Comics—M
 All Star Western—B
 All True Romance—B
 Atom-Age Combat—Q
 Atomic Attack—B
 Authentic Police Cases—B
 Batman—B
 Battle Brady—B
 Battle Casey
 Battle Cry—B
 Battlefield
 Battle Stories—B
 B-Bar-B Riders—Q
 Best of the West—Q
 Beware—B
 Big Tex—O
 Big Town—B
 Cave Girl—O
 Combat Casey—B
 Bill Battle
 Billy the Kid—B
 Black Diamond Western—B
 Black Magic Magazine
 Blackhawk—M
 Boy Illustories—M
 Boy Loves Girl—M
 Buck Jones—O
 Buddies of the U. S. Army
 Buster Crabbe—B
 Puzzy—B
 Complete Love Magazine—B
 Confessions of Love—B
 Cowpuncher
 Crack Western
 Crime Does Not Pay—M
 Danger—B
 Date With Danger
 Dick Tracy Comics Monthly
 Doll Man
 Exciting War—Q
 Famous Funnies—B
 Fantastic Fears—B
 Fantastic Worlds
 First Love Illustrated—M
 Frankenstein—B

Superman—B
 Teen-Age Romances—B
 Teen-Age Temptation—B
 Ten-Story Love—B
 True-Life Secrets—B
 Tom Corbett, Space Cadet—Q
 Tom Mix Western—B
 Top Love Stories—B
 True to Life Romances—B
 The American Air Forces—Q
 The Cisco Kid—B
 The Fighting Man—B
 The Fighting Man Manual
 The Kilroys—B
 The Lone Ranger's Companion, Tonto
 Wendy Parker—M
 Western Comics—B
 Wings Comic—O
 Young Brides—B
 90 or 22%

G I in Battle—B
 G I in Battle Annual
 G I Combat—M
 Great Lover Romances—B
 Headline Comics
 Hi-School Romance—B
 Hot Rods and Racing Cars—B
 House of Mystery—M
 Jesse James—O
 Jet Aces—O
 Jetta
 Joe York
 John Wayne Adventure Comics—B
 Journey Into Mystery—M
 Journey Into Unknown Worlds—M
 Jumbo Comics
 Jungle Comics—Q
 Justice Traps the Guilty—M
 Ken Shannon
 Kid Colt Outlaw—B
 Life Story
 Love Doctor, Dr. Anthony King's
 Love Experiences—B
 Love Journal—B
 Mad—B
 Marvel Tales—M
 Menace—M
 Monty Hall of the U. S. Marines
 Mystery Tales—M
 Night of Mystery
 Operation: Peril
 Out of the Night—B
 Pictorial Romances—B
 Planet Comics—O
 Plastic Man—B
 Police Comics—B
 Popular Romances—Q
 Popular Teen-Agers—B
 Racket Squad in Action—B
 Real Clue Crime Stories
 Roy Rogers Comics—M
 Secret Romances
 Sensation Mystery—B
 Sheena, Queen of the Jungle—Q
 Shocking Mystery Cases—B

Six-Gun Heroes—B
 Skeleton Hand—B
 Soldier Comics—B
 Soldiers of Fortune
 Space Western Comics—B
 Spy Fighters—B
 Spy Hunters—B
 Straight Arrow—B
 Strange Adventures—M
 Sweethearts
 Tex Ritter Western—B
 This Is War—Q
 Tim Holt—B
 T-Man—B
 Tomahawk—B
 True Love Pictorial—B
 Two-Fisted Tales—B
 The Adventures of Rex, the Wonder Dog
 The Black Knight
 The Flying A's Range Rider—Q
 The Durango Kid—B
 The Ghost Rider—Q
 The Hooded Horseman
 The Horrors—B
 The Lone Ranger—M
 The Lone Rider—B
 The Marvel Family—M
 The Outlaws—B
 The Perfect Crime—B

Very objectionable

Adventures Into Darkness—B
 Adventures Into the Unknown
 All-Famous Police Cases—B
 Astonishing—B
 Baffling Mysteries—B
 Battle Report—B
 Beware; Terror Tales—B
 Black Cat Mystery—B
 Chamber of Chills—B
 Chilling Tales—B
 Crime and Justice
 Crime and Punishment—B
 Crime Mysteries—B
 Crime Must Pay the Penalty—B
 Crime Suspense Stories—B
 Dark Mysteries
 Dead-Eye Western—B
 Eerie—Q
 Fight Against Crime—B
 Forbidden Worlds—M
 Ghost Comics—Q
 Haunt of Fear—B
 Haunted Thrills—B
 Horrific—B
 Journey Into Fear—B
 Justice—B
 Kaanga Jungle King—Q
 Lawbreakers Suspense Stories
 Lorna the Jungle Queen—B
 Man Comics—B
 Mister Mystery—B
 Mysterious
 Mysterious Adventures—B
 Mystic—B

The Phantom Stranger—B
 Underworld Crime—Q
 United States Tank Commandos
 Wanted Comics
 War Action—B
 War Comics—B
 Warfront—B
 War Fury
 War Heroes
 War Report
 War Romances
 War Stories
 Wartime Romances—B
 Weird Fantasy—B
 Weird Horrors
 Weird Mysteries—B
 Wild Bill Hickok
 Wild Western—B
 Woman to Love—O
 Wonder Woman—B
 World's Finest Comics
 World War III
 Young Men on the Battlefield—B
 Young Romances—M
 Youthful Romances—B
 Zane Grey's King of the Royal Mounted—Q
 Zip Jet—B
 148 or 34%

Shock Suspense Stories—B
 Shock Mystery
 Spellbound
 Spook—B
 Spy Cases—B
 Startling Terror Tales—B
 Strange Fantasy—B
 Strange Mysteries—B
 Strange Tales—M
 Tales From the Crypt—B
 Tales of Horror
 Terrifying Tales
 Terrors of the Jungle—B
 This Magazine is Haunted—B
 Tomb of Terror—B
 The Beyond—B
 The Hand of Fate—B
 The Purple Claw
 The Thing—B
 The Unseen—Q
 The Vault of Horror—B
 Uncanny Tales—M
 Voodoo
 Web of Evil—B
 Web of Mystery—B
 Weird Science—B
 Weird Tales—B
 Weird Terror—B
 Whiz Comics—B
 Witchcraft
 Witches Tales—B
 Worlds of Fear—B
 Total, 418
 65 or 16 percent

CRITERIA FOR EVALUATING COMIC BOOKS

I. CULTURAL AREA

No objection

1. Good art work, printing, and color arrangement.
2. Good diction.
3. The overall effect pleasing.
4. Any situation that does not offend good taste from the viewpoint of art or mechanics.

Some objection

1. Poor art work, printing, and color arrangement.
2. Mechanical setup injurious to children's eyes; print too small; art work crowded.
3. Poor grammar and underworld slang.
4. Undermining in any way traditional American folkways.

Objectionable

1. Propaganda against or belittling traditional American institutions.
2. Obscenity, vulgarity, profanity, or the language of the underworld.
3. Prejudice against class, race, creed, or nationality.
4. Divorce treated humorously or as glamorous.
5. Sympathy with crime and the criminal as against law and justice.
6. Criminals and criminal acts made attractive.

Very objectionable

1. An exaggerated degree of any of the above-mentioned acts or scenes.

II. MORAL AREA

No objection

1. An uplifting plot.
2. Wholesome characters.
3. Characters dressed properly for the situation.
4. If crime, when it enters the plot, is incidental.
5. Any situation that does not compromise good morals.

Some objection

1. Criminal acts or moral violations even if given legal punishment.
2. The presence of criminals, even if they are not shown as enjoying their crimes.

Objectionable

1. Women as gun molls, criminals, and the wielders of weapons.
2. Any situation having a sexy implication.
3. Persons dressed indecently or unduly exposed (costumes not appropriate to the occasion).
4. Crime stories, even if they purport to show that crime does not pay.
5. Stories that glamorize unconventional behavior.
6. Situations that glamorize criminals.
7. The details or methods of crime, especially if enacted by children.
8. Thwarted justice.
9. Law-enforcement officials portrayed as stupid or ineffective.

Very objectionable

1. An exaggerated degree of any of the above-mentioned acts or scenes.

III. MORBID EMOTIONALITY

No objection

1. Any situation that does not arouse morbid emotionality in children.

Some objection

1. Overrealistic portrayal of death of villains.
2. Grotesque, fantastic, unnatural creatures.
3. Imminent death of a hero or heroine.

Objectionable

1. The kidnaping of women or children, or the implication of it.
2. Characters shown bleeding, particularly from the face or mouth.

3. The use of chains, whips, or other cruel devices.
4. The morbid picturization of dead bodies.
5. Stories and pictures that tend to anything having a sadistic implication or suggesting use of black magic.
6. Portrayal of mayhem, acts of assault, or murder.
7. People being attacked or injured by wild animals or reptiles.
8. Stories or frames which tend to affect the war effort of our Nation adversely.

Very objectionable

1. An exaggerated degree of any of the above-mentioned acts or scenes.

A PRECAUTION

These criteria are intended to serve primarily as guides and check-points in the evaluation of comic books, rather than as complete standards which must in all cases be applied literally and rigidly.

They should be used by the reviewer in the light of his best judgment and regarding good taste, the intent and the spirit of the story, and the context of the individual frames of the story.

Mr. CLENDENEN. And, finally, I would like to introduce a reprint from the Parent's Magazine entitled "555 Comic Magazines rated."

The CHAIRMAN. Without objection, the material will be included in the record. Let it be exhibit No. 7.

(The material referred to was marked "Exhibit No. 7," and reads as follows:)

EXHIBIT No. 7

[Reprinted from Parents' Magazine]

555 COMIC MAGAZINES RATED

Acceptable—Questionable—Bad

CINCINNATI RATES THE COMIC BOOKS

This community went to work and did something about the comics. Here are their recommendations

By Jessie L. Murrell, Chairman, Committee on Evaluation of Comic Books, Cincinnati, Ohio

Many parents, teachers, communities are upset about comic books and the influence they are having on children today. But in most cases, although parents, teachers, and communities have done a good deal of talking, they have taken no steps to evaluate the comics now on the market. Not so Cincinnati; that city made up its mind that talk was not enough, so they organized and went into action.

One of the ministers in the Cincinnati metropolitan area is credited with starting the project when he addressed his congregation during National Family Week. In the course of his sermon he mentioned the undesirable influence on the family of certain types of comic books.

That portion of his sermon got into the Cincinnati papers the next day and was picked up by the broadcasting stations. Mail began pouring in and the minister's phone rang incessantly. Whereupon the Council of Churches set up a committee with this minister as chairman and asked it to see what, if anything, could be done about the comics.

The committee approached the organizations in greater Cincinnati that work with and for youth, inviting them to send representatives to a meeting. The response was excellent and the Committee on Evaluation of Comic Books was formed. It immediately went to work.

The organizations represented on the committee were the University of Cincinnati, Xavier University, the Women's University Club, the parent-teachers associations (public and parochial), the Boys Scouts, the Girl Scouts, the YMCA, the YWCA, the playground group, the juvenile courts, the Council of Church, the libraries, the private schools, and the three major religious

groups—Protestant, Catholic, and Jewish. About one-third of the members of the committee were men.

At the outset the committee adopted a policy of attempting to cooperate with publishers and distributors to improve the quality of comic magazines. It decided it would seek no censorship ordinances. If the publishers chose to ignore appeals to make better comics, the committee would then do its best to persuade the public to be more selective in buying them.

Another important decision of the committee was to draw up criteria for determining whether a comic book is good or bad. If a comic book is considered undesirable, why is it so rated? If another comic book is considered good, why is it so rated? An executive committee worked for 3 months to find answers to these questions. The result was "a profile chart" or measuring device to be used by the reviewers in recording their findings. After some months of experimentation, the committee felt that its findings were trustworthy.

A major problem was recruiting and training reviewers who would read all the comic books thoroughly and record on the profile charts their impressions. At every stage they were urged to exercise care in order to be fair to all persons and organizations concerned. Two other members of the committee were assigned the responsibility of studying the work of the reviewers and of making the overall evaluation of each comic book reviewed. Time and results have proved the wisdom of this course.

Every story in each comic book was evaluated in terms of its cultural, moral, and emotional tone and impact. Then the committee's reaction to it was listed as no objection, some objection, objectionable, and very objectionable. If no feature in a comic book received anything lower than the first two ratings, the book was pronounced suitable for children and youth.

At first the Cincinnati committee decided to publish only the list which it considered acceptable. But public demand has led to the publication of the entire list.

Of the 555 comic magazines included in the most recent evaluation, 57.47 percent were judged suitable for children and youth. Only 12.43 percent rated "very objectionable." As a result, the committee feels that wholesale condemnation of comic books is unwarranted. It is also convinced that the general public, the local distributors and many comic book publishers want better comics. But the latter have no way of making their desires effective beyond their respective establishments. One of the youngest industries in America, the business of publishing comic books now includes the publication of more than half of all magazines published in this country. During the past year or so the distribution of comic books has been variously estimated at 60 to 80 million.

In general the contents of comic books may be described as follows:

Adolescent characters such as bobby-soxers with dates—proms and the like—generally wholesome.

Animal characters with their appeal to small children: and these are nearly always harmless.

Adventure comics which include a good deal of wild-west excitement—gun-toting and the like.

Classic comics which brief well known stories with pictures and action.

Crime comics which include a large proportion of the comic books.

Jungle comics which play upon man's battle with beasts and reptiles, often showing women as the principal actors.

True comics which are generally based on historical fact.

Wonder comics which deal with the mysterious or awe-inspiring.

Superman comics which portray the activities of characters that display super-human strength or wisdom.

A rather large number of comic magazines too varied to classify.

Those who consider certain comic magazines harmful give a variety of reasons for their judgment. The more important are:

The comic magazines glamorize unwholesome phases of life and exert a powerful adverse influence upon the uncritical minds of children.

Many comics tend to overstimulate the neurotic or unstable child, and do him harm.

The crime and cruelty which are portrayed in many comic books tend to develop cruelty in children and to accustom them to violence and crime.

The brief treatment of events and the graphic picturization of stories tend to make young people impatient with good literature, thus threatening the literary culture of our society.

Many comic magazines are printed on cheap paper and their artwork, color, drawing and printing are of such quality as to strain children's eyes.

Since children are imitators and tend to identify themselves with characters in the comic books, particularly with heroes, it is dangerous for them to be influenced by the large number of questionable characters paraded in the comics.

Even though some comics do profess to teach that crime does not pay, the children who read them may not get that lesson while they are following and enjoying the exploits of some dashing hero-criminal. Even if they note the preachment in the last picture or two, some children are apt to say that the character should have been smarter than to get caught.

Some comics tend to stimulate unwholesome sexual and social attitudes.

Many comics show scenes and situations that tend to frighten children and to leave gruesome pictures in their minds, affecting them not only at the moment or soon after, but also creating more lasting phobias and fears.

There is the danger that a child who likes the comics will spend all his time or too large a proportion of it in reading the comics and neglect good books; or read comics when he ought to be active and out of doors.

While it is difficult to trace all the causes for juvenile bad conduct today, it is logical to believe that it may have been accentuated by the reading of some of the comic books.

It must be assumed that comic books are here to stay; therefore, it seems wise to take such steps as will offer the greatest promise of improvement. And the key to improvement is public opinion. If parents and organizations set an example of selective buying, it will soon be felt and heeded by the publishers. That is better than resorting to legal regulations and ordinances.

There are steps which individuals can take to improve the comic book situation.

Parents should know what their children are reading. Forbidding children to read the comics is apt to stimulate their interest in them. There are wiser ways by which parents may advise and influence their children to buy and read the better comics.

Individuals may cooperate in a volunteer organization such as the one in Cincinnati to encourage the reading of better comics. There can and should be such a group in every community.

Here are the methods that are used and standards for evaluating the comic books observed by the Cincinnati committee:

CULTURAL AREA

No objection

1. Good artwork, printing and color arrangement.
2. Good diction.
3. The overall effect pleasing.
4. Any situation that does not offend good taste from the viewpoint of art or mechanics.

Some objection

1. Poor artwork, printing, and color arrangement.
2. Mechanical setup injurious to children's eyes; print too small; artwork too crowded.
3. Poor grammar, underworld slang.
4. Undermining in any way traditional American folkways.

Objectionable

1. Propaganda against or belittling traditional American institutions.
2. Obscenity, vulgarity, profanity, or the language of the underworld.
3. Prejudice against class, race, creed, or nationality.
4. Divorce treated humorously or as glamorous.
5. Sympathy with crime and the criminal as against law and justice.
6. Criminals and criminal acts made attractive.

Very objectionable

1. An exaggerated degree of any of the above-mentioned acts or scenes.

MORAL AREA

No objection

1. An uplifting plot.
2. Wholesome characters.
3. Characters dressed properly for the situation.

4. If crime, when it enters the plot, is incidental.
5. Any situation that does not compromise good morals.

Some objection

1. Criminal acts or moral violations even if given legal punishment.
2. The presence of criminals even if they are not shown as enjoying their crimes.

Objectionable

1. Women as gun molls, criminals, and the wielders of weapons.
2. Any situation having a sexy implication.
3. Persons dressed indecently or unduly exposed (costume not appropriate to the occasion).
4. Crime stories even if they purport to show that crime does not pay.
5. Situations that glamorize criminals.
6. The details or methods of crime, especially if enacted by children.
7. Thwarted justice.
8. Law-enforcement officials portrayed as stupid or ineffective.

Very objectionable

1. An exaggerated degree of any of the above-mentioned acts or scenes.

MORBID EMOTIONALITY***No objection***

1. Any situation that does not arouse morbid emotionality in children.

Some objection

1. Overrealistic portrayal of death of villains.
2. Grotesque, fantastic, unnatural creatures.
3. Imminent death of hero or heroine.

Objectionable

1. The kidnapping of women or children or the implication of it.
2. Characters shown bleeding, particularly from the face and mouth.
3. The use of chains, whips, or other cruel devices.
4. The picturization of dead bodies.
5. Stories and pictures that tend to upset children.
6. Anything with sadistic implication.
7. Portrayal of mayhem, acts of assault or murder.
8. People being attacked or injured by animals or reptiles.

Very objectionable

1. An exaggerated degree of any of the above-mentioned acts or scenes.

A PRECAUTION

These criteria are intended to serve primarily as guides and check-points in the evaluation of comic books, rather than as complete standards which must in all cases be applied literally and rigidly. They should be used by the reviewer in the light of his best judgment regarding good taste, the intent and spirit of the story and context of the individual frames of the story.

The comic magazine ratings presented herewith do not necessarily reflect the opinions of the editors and publishers of Parents' Magazine. The evaluations by the Cincinnati committee were made partly in the spring and partly in the fall of 1949. It is possible that the character of the contents of some of the magazines may have changed since the evaluations.

HOW 555 COMICS RATE

Approximately 50 trained reviewers have evaluated the following 555 comic magazines, some of which are "one shots" (those appearing only once). Included in the list are some magazines which are perhaps no longer being published at the time this article appears. The magazines were classified in four different groups, identifiable by means of the key letters, A, B, C, and D.

Number of magazines :

Ratings and key letter

165	No objection (A)
154	Some objection (B)
167	Objectionable (C)
69	Very objectionable (D)

- Abbott and Costello (B)
 About People (A)
 Ace Comic (C)
 Action Comics (A)
 Actual Romances (A)
 Adventure Bound (A)
 Adventure Comics (C)
 Adventures in Romance (C)
 Adventures in the Unknown (D)
 Adventures of Alan Ladd (C)
 Aggie Mack Comics (A)
 Air Boy (C)
 Album of Crime (D)
 Al Capp's Dog Patch (C)
 Al Capp's Shmoo (B)
 Alice in Wonderland (A)
 All-American Western (C)
 Alley Oop (B)
 All-Famous Crime (D)
 All Great Confession Magazine (D)
 All Humor Comics (A)
 All Love Romances (A)
 All Star Comics (D)
 All-Time Sports Comics (A)
 All Top (D)
 All-True Crime Cases Comics (D)
 All Western Comics (C)
 Amazing Mysteries (D)
 American's Best Comics (C)
 Andy Panda (A)
 Animal Antics (B)
 Archie Comics (A)
 Authentic Police Cases (D)
 Awful Oscar (B)
 Babe (C)
 Babe Ruth Sports Comics (A)
 Barker, The (A)
 Barnyard Comics (A)
 Baseball Comics (B)
 Bat Man (D)
 Best Love (C)
 Big Shot (B)
 Billy West (C)
 Black Cat Comics (D)
 Black Diamond Western (B)
 Black Terror, The (C)
 Blackhawk (C)
 Blaze Carson (C)
 Blazing West (D)
 Blondie Comics (B)
 Blondie Phantom Comics (B)
 Blue Bolt (B)
 Bobby Shelby Comics (A)
 Boots and Her Buddies (A)
 Boy Commandoes (D)
 Boy Illustrious (B)
 Brenda Starr Comics (C)
 Brick Bradford (B)
 Broadway Romances (B)
 Broncho Bill (C)
 Brownies, The (A)
 Bruce Gentry Comics (C)
 Bugs Bunny Super Sleuth (C)
 Buster Bunny (A)
 Buzz Sawyer (C)
 Buzz Sawyer's Pal Sweeney (A)
 Buzzy (A)
 Calling All Kids (A)
 Campus Romances (C)
 Candy (A)
 Captain America (C)
 Captain America's Weird Tales (D)
 Captain and the Kids, The (C)
 Captain Easy (C)
 Captain Kidd (C)
 Captain Marvel Adventures (C)
 Captain Marvel Junior (A)
 Captain Midnight (C)
 Casey Crime Photographer (C)
 Catholic Comics (A)
 Charlies-Chan (D)
 Charlie McCarthy (A)
 Christmas with Mother Goose (A)
 Cindy Comics (B)
 Circus Comics (D)
 Clairvoyant (C)
 Classics Illustrated (A)
 Club 16 Comics (B)
 Comedy Comics (A)
 Comic Cavalcade (A)
 Comics on Parade (A)
 Complete Mystery (C)
 Coo Coo Comics (B)
 Cookie (B)
 Cowboy Love (C)
 Cowboy Romances (C)
 Cowboy Western Comics (C)
 Coupuncher Comics (D)
 Crack Comics (C)
 Crime and Punishment (C)
 Crime Detective Comics (C)
 Crime Does not Pay (C)
 Crime Fighter (C)
 Crime Must Pay the Penalty (D)
 Crime Patrol (D)
 Crime Reporter (D)
 Crimes by Women (C)
 Criminals on the Run (C)
 Crown Comics (D)
 Cupid (A)
 Curley Kayoe (C)
 Dagar (D)
 Dale Evans Comics (B)
 Daredevil (C)
 Darling Love (B)
 Darling Romance (B)
 Date With Judy, A (A)
 Dead-Eye (C)
 Desperado (C)
 Detective Comics (B)
 Dexter Comics (B)
 Diary Loves (A)
 Dairy Secrets (B)
 Dick Cole (B)
 Dick Tracy Monthly (C)
 Dick's Adventures (A)
 Dixie Dugan (A)
 Dog Patch (C)
 Donald Duck (B)
 Doll Man (C)
 Don Winslow (C)
 Dotty Dripple Comics (A)
 Dudley (A)
 Durango Kids, The (B)

- Easter with Mother Goose (A)
 Egbert (B)
 Ella Cinders (C)
 Ellery Queen Comics (C)
 Elsie the Cow (A)
 Enchanting Love (A)
 Ernie Comics (B)
 Etta Kett (B)
 Exciting Comics (D)
 Exciting Romances (B)
 Exposed (C)
 Extra Comics (C)
 Fairhair Comics (C)
 Faithful (B)
 Famous Crimes (D)
 Famous Funnies (D)
 Fast Fiction (C)
 Feature Comics (D)
 Felix the Cat (B)
 Fight Comics (C)
 Fighting Yank, The (C)
 Film Funnies (A)
 First Love Illustrated (A)
 First Romance (C)
 Flaming Love (D)
 Flash Comics (C)
 Flash Gordon (B)
 4most (C)
 Fraka & Lena (B)
 Frankenstein (D)
 Freckles and Her Friends (A)
 Frisky Fables (A)
 Fritzi Ritz Comics (A)
 Frontier Romances (B)
 Funny Animals (A)
 Funny Film (C)
 Funny Folks (A)
 Funny Stuff (A)
 Funny World (B)
 Gabby Hayes Western (C)
 Gangbusters (D)
 Gangsters Can't Win (C)
 Gay Comics (C)
 Gene Autry Comics (A)
 Georgie & Judy (C)
 Ghost Breakers (C)
 Giggle Comics (B)
 Girl Comics (C)
 Girls Love Stories (A)
 Glamorous Romances (A)
 Golden West Love (B)
 Goofy Comics (B)
 Green Hornet Comics (C)
 Green Lantern (B)
 Guilty (D)
 Gunfighter (C)
 Guns Against Gangsters (B)
 Gunsmoke (C)
 Ha Ha Comics (A)
 Hap Hazard Comics (B)
 Happy Comics (A)
 Headline Comics (D)
 Heart Thorbs (B)
 Heckle & Jeckle (B)
 Heddy Divine Comics (A)
 Hedy of Hollywood (B)
 Henry (A)
 Heroes All (A)
 Hickory (A)
 High School Romances (B)
 Hit Comics (D)
 Hollywood Confessions (C)
 Hollywood Diary (B)
 Hollywood Romances (A)
 Hollywood Secrets (C)
 Hopalong Cassidy (C)
 Hubert at Camp Moonbeam (A)
 Human Torch, The (A)
 Humphrey Comics (C)
 Ideal Love and Romance (B)
 Intimate Love (B)
 Jack Armstrong (B)
 Jeanie Comics (A)
 Jiggs and Maggie (A)
 Jimmie Durante Comics (B)
 Jimmy Wakely (C)
 Jingle Jangle Comics (B)
 Joan of Arc (B)
 Joe College Comics (B)
 Joe Polooka Comics (B)
 Johnny Hazard (D)
 Jo-Jo Comics (D)
 Joker Comics (A)
 Journal of Crime (C)
 Juke Box Comics (A)
 Jumbo Comics (C)
 Jungle Comics (D)
 Jungle Jim (B)
 Junie from Comics (A)
 Justice Comics (C)
 Justice Traps the Guilty (C)
 Kathy (B)
 Katzenjammer Kids, The (B)
 Kerry Drake Detective (D)
 Kewpies (A)
 Kid Colt (D)
 Kid Eternity (D)
 Kid Zoo Comics (B)
 Kilroys (B)
 King Cole (D)
 King Comics (D)
 King of the Royal
 Mounted (C)
 Krazy Komiks (B)
 Lana (B)
 Lash La Rue Western (C)
 Laugh (B)
 Laurel & Hardy (B)
 Lawbreakers Always Lose (C)
 Leading Comics (A)
 Leave It to Binky (A)
 Leroy (C)
 Life Story (A)
 Li'l Abner Comics (C)
 Little Annie Rooney (A)
 Little Aspirin (B)
 Little Audrey (A)
 Little Beaver (B)
 Little Bit (A)
 Little Iodine (A)
 Little Lenny (A)
 Little Lizzie (A)
 Little Max Comics (B)
 Little Miss Muffet (C)

- Little Orphan Annie (A)
 Lone Ranger, The (B)
 Looney Tunes (B)
 Love at First Sight (A)
 Love Classics (C)
 Love Confessions (D)
 Love Diary (B)
 Love Dramas (B)
 Love Experiences (A)
 Love Lessons (B)
 Love Memories (A)
 Love Problems & Advice (A)
 Love Romances (B)
 Love Secrets (C)
 Love Stories of Mary Worth (A)
 Love Tales (B)
 Loveland (B)
 Lovelorn (B)
 Lovers (A)
 Lovers Lane (B)
 Magic Crimes (D)
 Mandrake the Magician (D)
 March of Crime (C)
 Marge's Little Lulu (A)
 Margie Comics (A)
 Mark of Zorro, The (B)
 Marmaduke the Mouse (B)
 Marvel Family, The (B)
 Marvel Mystery Comics (B)
 Master Comics (C)
 Mel Allen's Sport Comics (A)
 Mickey Finn (B)
 Mickey Mouse (B)
 Mighty Atom and the Pixies, The (A)
 Mighty Mouse (B)
 Millie the Model (B)
 Miss America (B)
 Miss Beverly Hills of Hollywood (A)
 Mr. Anthony's Love Clinic (A)
 Mr. District Attorney (C)
 Mitzi's Boy Friends (A)
 Mitzi's Romances (A)
 Modern Comics (C)
 Modern Love (B)
 Monkeyshines Comics (A)
 Monte Hale Western (C)
 Moon Girl (D)
 Moon Mullins (A)
 Mopsy (B)
 Murder, Inc. (D)
 Mutt and Jeff (A)
 My Confession (B)
 My Life (D)
 My Love Life (C)
 My Own Romance (B)
 My Past (A)
 My Romance (B)
 My Secret Affair (A)
 My Secret Life (B)
 My Secret Story (A)
 My Story (C)
 Mysterious Traveler (D)
 Namore (C)
 Nancy & Fritzi Ritz (A)
 Nancy & Sluggo (B)
 National Comics (B)
 Nellie the Nurse (A)
 New Funnies (A)
 New Heroic Comics (C)
 Nyoka the Jungle Girl (C)
 Oscar, Oscar (A)
 Oswald the Rabbit (A)
 Our Gang (A)
 Our Love (B)
 Outlaws (C)
 Ozark Ike (B)
 Ozzie & Baba (A)
 Ozzie & Harriet (A)
 Patsy Walker Comics (B)
 Pay Off (C)
 Penny (A)
 Pep Comics (B)
 Peter Porkchops (A)
 Peter Rabbit Comics (A)
 Phantom, The (D)
 Phantom Lady (C)
 Pictorial Confessions (A)
 Pictorial Love Stories (B)
 Pictorial Romances (A)
 Picture Stories from the Bible (A)
 Pinocchio (A)
 Pixies, The (B)
 Planet Comics (C)
 Plastic Comics (C)
 Pogo Possum (B)
 Police Cases (C)
 Polly Pigtales (A)
 Porky Pig (A)
 Porky Pig to the Rescue (A)
 Popeye (A)
 Pride of the Yankees, The (A)
 Prize Comics (C)
 Prize Comics Western (C)
 Public Enemies (C)
 Raggedy Ann & Andy (A)
 Range Romances (B)
 Rangeland Love (B)
 Rangers Comics (D)
 Real Clue Crime Stories (D)
 Real Fact Comics (A)
 Real Life Comics (B)
 Real Love (C)
 Real Screen Comics (A)
 Real Secret (B)
 Real West Romances (C)
 Real Western Hero (B)
 Red Dragon Comics (D)
 Red Rabbit Comics (B)
 Red Ryder Comics (B)
 Revealing Romances (B)
 Rex Harte (B)
 Rocky Lane Western (C)
 Romance Diary (B)
 Romance Tales (A)
 Romance Trail (B)
 Romances of Mollie Minton (B)
 Romances of the West (C)
 Romantic Adventures (B)
 Romantic Confessions (A)
 Romantic Love (C)
 Romantic Secrets (B)
 Romantic Story (B)
 Romantic Western (C)
 Roundup (D)
 Roy Rogers Comics (B)
 Rulah (D)

- Rusty (A)
 Sad Sack (A)
 Saddle Justice (C)
 Saddle Romances (B)
 Saint Comics, The (C)
 Santa and the Angel (A)
 Santa Claus Funnies (A)
 Scribbly (A)
 Sea Hound, The (B)
 Secret Hearts (B)
 Secret Loves (B)
 Select Detective (C)
 Sensation Comics (A)
 Seven Dwarfs (A)
 Seven Seas (C)
 Shadow Comics (D)
 Shmoo (B)
 Skyman (C)
 Slave Girl (D)
 Slick Chick (C)
 Smash Comics (C)
 Smash Hit Sports Comics (C)
 Smilin' Jack (C)
 Smitty (B)
 Smokey Stover (B)
 Sniffy the Pup (A)
 Sparkle (C)
 Sparkle Plenty (A)
 Sparkle Comics (A)
 Sparky Watts (B)
 Spirit of the Border (A)
 Sport Stars (B)
 Spunky (B)
 Spunky Comics (B)
 Spy and Counterspy (D)
 Star Spangled Comics (C)
 Starlet O'Hara (C)
 Startling Comics (C)
 Steve Canyon Comics (C)
 Steve Roper Comics (C)
 Steve Saunders Special Agent (B)
 Sub-Mariner Comics (C)
 Sugar Bowl Comics (B)
 Sun Girl (D)
 Super Comics (C)
 Super Duck Comics (B)
 Super Rabbit Comics (A)
 Super Mystery (C)
 Superboy (B)
 Superman (A)
 Supermouse (A)
 Supersnipe Comics (C)
 Suspense (D)
 Suzie Comics (B)
 Swee' Pea (A)
 Sweet Love (A)
 Sweetheart Diary (A)
 Sweethearts (A)
 Target Comics (C)
 Tarzan (B)
 Teena (A)
 Teen-Age Diary (A)
 Teen-Age Romances (A)
 Teen Comics (A)
 Terry and the Pirates (C)
 Terry-Toons Comics (A)
 Tessie the Typist (A)
 Tex Granger (B)
 Tex Morgan (C)
 Tex Taylor (C)
 Texan Comics, The (D)
 They Got the Blame (A)
 This Is Tomorrow (A)
 Three Little Pigs (A)
 Three Stooges, The (C)
 Thrilling Comics (C)
 Thumper Follows His Nose (A)
 Tillie the Toiler (A)
 Tim Holt (C)
 Tim McCoy (C)
 Tim Tyler (D)
 Tiny Tessie (A)
 Tip Top Comics (B)
 Tip Topper (B)
 Tippie (B)
 Tippie and Cap Stubbs (A)
 Tom & Jerry (A)
 Tom Mix Western (B)
 Tommy of the Big Top (C)
 Tony Trent (C)
 Top Secrets (C)
 Topex (A)
 Torchy (C)
 Trail Colt (C)
 Treasury Chest (A)
 True Comics (B)
 True Complete Mystery (C)
 True Confidences (B)
 True Crime Comics (C)
 True Sport Picture Stories (C)
 True Stories of Romance (B)
 True to Life Romances (B)
 True Western (C)
 Truth About Crime, The (D)
 Tuffy (A)
 Two-Gun Kid (C)
 Uncle Wiggly (A)
 Underworld (C)
 Vicky Comics (B)
 Walt Disney's Comics and Stories (A)
 Walt Disney's Donald Duck (B)
 Walt Disney's Mickey Mouse (B)
 Walt Disney's Pinocchio (A)
 Walt Disney's Seven Dwarfs (A)
 Walt Disney's 3 Little Pigs (A)
 Walt Disney's Thumper Follows His
 Nose (A)
 Walter Lantz New Funnies (A)
 Walter Lantz Oswald the Rabbit (A)
 Walter Lantz Woody Woodpecker (A)
 Wambi, the Jungle Boy (C)
 Wanted Comics (D)
 War Against Crime (C)
 Western Adventures (C)
 Western Bandit Trails (C)
 Western Comics, The (C)
 Western Fighters (B)
 Western Hero (B)
 Western Killers (D)
 Western Life Romances (C)
 Western Love (B)
 Western Outlaws (C)
 Western Trails (B)
 Western Picture Stories (C)
 Western Romances (C)
 Western Thrillers (D)

Western True Crime (C)	Wonder Duck (A)
Western Winners (C)	Wonder Woman (A)
Whiz Comics (B)	Woody Woodpecker (A)
Whodunit (B)	World's Finest Comics (D)
Wilbur Comics (C)	Young Hearts (A)
Wild Bill Hickok (C)	Young Love (B)
Wild Western (B)	Young Romance (B)
Willie Comics (A)	Youthful Love Romances (C)
Wings Comics (D)	Zago (D)
Winnie Winkle (A)	Zane Grey's Thunder Mountain (A)
Women in Love (B)	Zane Grey's West of the Pecos (A)
Women Outlaws (D)	Zegra (C)
Wonder Comics (D)	

Mr. CLENDENEN. Now, I cannot here adequately summarize the various opinions which are expressed by sociologists, psychiatrists, and law-enforcement officials and other people who might qualify as experts in this field, but I do feel that it is eminently accurate and fair to say that there is substantial, although not always unanimous, agreement on the following three points:

1. That the reading of a crime comic will not cause a well adjusted and well socialized boy or girl to go out and commit crime.

2. There may be a detrimental and delinquency producing effect upon some emotionally disturbed children who may gain suggestion, support, and sanction for acting out his own hostile and aggressive feeling.

3. There is reason to believe that as among youngsters, the most avid and extensive consumers of comics are the very boys and girls less able to tolerate this type of material.

As a matter of fact, many experts feel that excessive reading of materials of this kind in itself is symptomatic of some emotional maladjustment in a youngster.

In other words, I would say in terms of all these materials that, although not completely unanimous, there is very substantial agreement as to these three points, Mr. Chairman.

Senator HENNINGS. Mr. Chairman, may I ask one question?

The CHAIRMAN. The Senator from Missouri.

Senator HENNINGS. I remember, and I am sure many of us do, the enjoyment with which some of us at a very tender age read the horror stories of Edgar Allan Poe. Many of us read Sherlock Holmes. There was the modus operandi for certainly many crimes.

I suppose that was the basis of the modern crime story, the beginning of the modern crime story.

Certainly nothing is more horrible and calculated to bring a certain degree of terror and chill to the spine of a youngster than the Fall of the House of Usher, The Black Cat, and The Pendulum—stories of the French Revolution depicting heads held before the crowd on the Place de la Concorde and so on.

Now, how did these differ in your opinion, Mr. Clendenen, these comic books, and the manner in which these things are presented, graphic as they are, being picture stories as they are?

These books, too, are rather profusely illustrated by some pictures you never forget. I can remember some of them myself, now. How do those things differ from the things many of us read as youngsters?

Mr. CLENDENEN. Well, I think there are certain differences perhaps not so much in the content of the material as in its wide distribution and greatly increased consumption.

Now, frankly, I do think that there are some differences even in the material itself. In preparation for these hearings we also reviewed—for example, I have here two reprints of Nick Carter, which were very popular during an earlier era.

Senator HENNINGS. That was the so-called dime novels of our father's time.

Mr. CLENDENEN. That is right. Its reputation in its own day would indicate it is really rather tame reading compared to this kind of material. This is really much more lurid material.

Then it would seem to me, of course, that the pictorial presentation and all of the vivid colors and so on represent something that is different.

Finally, the only other difference that I can point to would be the fact that this is very widely available at 10 cents a copy on newsstands everywhere.

That is, not only is it available, but the youngster does not have to seek it out. The material is there ready to be picked up and urged upon him at every turn.

Senator HENNINGS. Wasn't that true of the dime novel. You remember the Horatio Alger books also pictured the hero as forswearing the dime novels. He did not pick them up on the stands as he went through the Bowery area in New York. He didn't read the dime novels or go to the Bowery Theater.

But they were available, too, were they not?

Mr. CLENDENEN. Certainly they were rather readily available to the youngster, but one point I would like to make is that I am not at all sure, and I certainly would not want to say that the material to which you refer was not also possibly at any rate detrimental to certain youngsters of that generation, too.

In other words, as the one point I made, the experts agree that none of this material, either Nick Carter or the comics, would make a well adjusted and well socialized youngster go out and commit a crime.

On the other hand, this material may have given suggestion and sanction 25 or 30 or 40 years ago to a youngster who may have read it, just as exactly these kinds of materials may have given support and sanction to youngsters of this generation.

The CHAIRMAN. Senator Kefauver.

Senator KEFAUVER. Mr. Clendenen, these are sent through the mails, shipped by express, or delivered by truck?

Mr. CLENDENEN. Although the majority of these have a second-class mailing permit, actually very few of them move through the mails. Most of these are shipped by either freight or express. It is a cheaper way of transporting them than through using the mails.

Senator KEFAVER. In any event, the Post Office Department has taken it as a rule that the obscene and the indecent statutes as to the use of the mail does not prohibit the dissemination of these by mail.

Mr. CLENDENEN. No, sir; I think the facts of the matter are that they have not ruled. Actually, these do not move through the mail.

As I understand it, and now I cannot qualify as any expert here, but I understand they do rule only upon materials—well, they would rule upon materials at the time the permit was granted, but 6 months later they would not be ruling, you see, upon materials that were currently being published because they were not moving through the mail.

Senator KEFAUVER. I thought you said they had a second-class permit?

Mr. CLENDENEN. Yes, sir; which means they had a ruling at the time the permit was granted.

In other words, they were admitted to the mails at the time the permit was granted. That does not mean they grant a new permit, the next month, when new materials are turned out.

Senator KEFAUVER. Can you tell us whether these things do move through the mails, or whether they do not?

Mr. CLENDENEN. Primarily they do not.

Senator KEFAUVER. I mean are some shipped through the mails?

Mr. CLENDENEN. There are a few companies, for example, that do a subscription business and in that instance, for example, individual copies would move through the mails.

Senator KEFAUVER. Have you ascertained from the Post Office inspectors or the head of that Department whether these are prohibited or whether the statute is not broad enough to cover them?

Mr. CLENDENEN. Yes, sir; I inquired as to that, and their reaction was to the effect that if some of these materials did move through the mails the Post Office Department might question them.

Now, actually, the ones that did come to their attention which did go through the mails they had found no basis for questioning, but they were aware that not all comics by any means are all crime comics.

Senator KEFAUVER. I know of no one saying that all crime comics be ruled out, but if they are obscene and indecent, there might be a ruling.

Now, counsel, are you going to bring out the matter of why the Atlas Corp. formed 25 corporations to carry on its business?

Mr. BEASER. We will have the business manager of the Atlas Corp. here.

Senator KEFAUVER. Where is the center of this industry, this horror and crime-comic industry?

Mr. CLENDENEN. In New York City. Actually, that holds true for the entire comic-book industry.

Senator KEFAUVER. I understood there was one reason why we are having the hearing here. Do you mean New York City is where the material is prepared or shipped from?

Mr. CLENDENEN. New York City is where the publishers are located and where the material is prepared.

Now, actually, the printing might be done in various places. That is, a publisher gets a printer to take on a job in Meriden, Conn., or upstate New York, or some other location. He sends the material after it has been prepared to the printer, the printer prints it, and then it is shipped out directly from the printer without being returned to the publisher.

It is shipped directly from the printer to the various distributors over the country who in turn distribute it to the wholesalers.

Senator KEFAUVER. In connection with the distribution you said that Atlas had its own distributing system?

Mr. CLENDENEN. Yes, sir.

Senator KEFAUVER. Do you mean that is the wholesale, retail, or what do you refer to?

Mr. CLENDENEN. A distributor is a company which supplies the wholesaler and then the wholesalers supply the retailers.

Senator HENNINGS. Like the Union News Co.?

Mr. CLENDENEN. Yes.

Senator KEFAUVER. Is that true generally of the crime-book publishers? Do they have their own distributing companies?

Mr. CLENDENEN. No, I would not say it is the usual practice, although it is not unique, either.

Senator KEFAUVER. Do some of them own retail outlets?

Mr. CLENDENEN. No, sir; they do not to my knowledge.

Senator KEFAUVER. That is all, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Clendenen, the name "comic book" is certainly a misnomer, is it not, as we apply them to these publications?

Mr. CLENDENEN. These are not funny.

The CHAIRMAN. That is the term by which they are designated throughout the land, is it not?

Mr. CLENDENEN. Right.

The CHAIRMAN. Mr. Hannoch?

Mr. HANNOCH. Do you expect to say anything further at this time on the question of how these comics are distributed, what the general system of distribution is?

Mr. CLENDENEN. No, sir; I had not intended to. We have both distributors and dealers scheduled to appear here, Mr. Hannoch.

Senator HENNINGS. Humor after all is a variable, is it not, Mr. Clendenen?

Mr. CLENDENEN. Yes, indeed.

Senator HENNINGS. Humor is not an absolute. Some people think Charles Adams' macabre drawings in the New Yorker magazine are very funny. Others think they are not.

When I was a boy some people thought Little Nemo was funny. Little Nemo frightened other children.

Alice in Wonderland—Lewis Carroll was said to have written it for the little girl. It also seemed to me to be an adult book. As a child I can understand not liking any of it and the drawings frightened me because they were dark and I thought very dreary.

So again we get into all this question of relative humor, what is funny to one person or one group of people, or even as to nations. We have made fun of the British and their jokes in London Punch for years. Some of the British think they are very funny. Some of our people think they are funny and doubtless some of their people don't think they are funny.

It is a little ridiculous to talk about things being humor per se. It is all in the eye of the beholder, after all.

Mr. CLENDENEN. Yes.

On the other hand, I would say the comics, the one I presented showing Frisco Mary who empties the machine gun into the prostrate law officer and Mary finally ends up dying in the gas chamber, you know there may be humor in this particular situation, but I myself would not recognize any humor.

The CHAIRMAN. It is a weird type of humor, is it not?

Mr. CLENDENEN. It would be to me, Senator.

Senator KEFAUVER. I was interested in what Mr. Clendenen had to say as a social worker, or expert, relative to the fact that the larger number of these horror books are found in areas where the children are less able to take them, that is, in areas I take it where there is high

juvenile delinquency. Is that an established fact beyond any question?

Mr. CLENDENEN. Insofar as I know, Senator, there has been no real study of this made.

As a matter of fact, although many people had long observed that youngsters who seemed to be upset and emotionally disturbed many times seemed to have an abnormal kind of need to read this more sordid type of material, nevertheless, I became aware of this in Washington when we went out and attempted to buy crime comics in Washington. We found out there were certain types of crime comics we could purchase only in certain areas of Washington. These were the more physically deteriorated and the areas of the city in which there would be higher delinquency rates.

Now I believe that we will have a witness scheduled here who may testify as to that point regarding his observations in New York City.

The CHAIRMAN. Mr. Beaser has some questions.

Mr. BEASER. Mr. Clendenen, in your investigation did you find that the pages of the comic books, crime and horror comic books, are used for purposes other than the entertainment and edification of children?

Mr. CLENDENEN. Yes, we certainly did. In this connection I would like to refer particularly to the advertising matter appearing in comic books.

Now, a large number of the comic books—and when I use the word “comic books,” I really should be using the words “crime comic books” because that is what our investigation relates to—a large number of these publications do carry advertising matter. Now, the type of advertising matter is primarily, as a matter of fact I would say more than 90 percent, of the mail-order variety.

Now, I mean by that it is the kind of advertising where they solicit you to write in for a publication or some article, and so on.

It is interesting to note that advertising matter in these publications seems to be directed at both adults and children; that is, you will have advertising that would seem to be of no interest whatsoever, of an item that would be of little or no interest to youngsters.

On the other hand you have advertising that would seem to have little or be of little or no interest to adults.

In that connection we have here a slide which shows a collection of items which would appeal to juveniles. Now, of this particular ad, we were interested in noting and consequently we went ahead and made a slide of the opposite page to this particular ad, which is a page which shows no less than two violent killings. The contrast actually struck us a bit.

On one page they were killing two men, on the opposite page they were advertising dolls for little girls.

Now, there are still other ads that might be questioned on the basis that they would stimulate and enable youngsters to buy articles which might be deemed detrimental to their own safety and welfare.

Here is another picture which, among other things, offers for sale 4 knives, 2 of which are made for throwing and one of which features a 12-inch steel blade.

It also offers for sale dueling swords, cross bows with metal tipped arrows and so forth.

Senator KEFAUVER. Is that a pistol in the middle?

Mr. CLENDENEN. Yes, sir; although that is advertised as firing blanks, .22 blanks.

Senator HENNINGS. That is similar to the one you had on the Board in Philadelphia last week. It was denominated a starter's pistol, although I do not think the starter starting a foot race ever used anything like that.

The CHAIRMAN. Except they were homemade weapons, were they not?

Senator HENNINGS. No.; this was one ordered through the mail and the placard stated starter's pistol ordered through the mail.

The CHAIRMAN. I thought the Senator was referring to homemade weapons.

Mr. HANNOCH. Do these ads advertise switch-blade knives?

Mr. CLENDENEN. No, sir; we heard of ads for switch-blade knives in the comic books, but we ourselves located no such ads.

I would like to say one other word about the advertising, that is, we also have very real questions as to whether or not there is not a possibility that their advertising in comics, that is, the ordering of certain articles advertised in comics, may lead to a youngster also being solicited by direct mail for salacious, sexually suggestive material.

Now, that is a possibility which we also plan to explore through the presentation of other witnesses.

Mr. BEASER. Mr. Clendenen, have you in the course of your investigation found any evidence of subversion in the use of comics, crime and horror comics?

Mr. CLENDENEN. If you mean by that a deliberate and planned effort to use the crime comics as a medium through which you are going to subvert the minds and morals of youngsters, my answer would be "No."

Now, that does not mean that youngsters cannot or may not be damaged unintentionally and not by plan.

Now, I would like to make a couple other comments on this particular question. First of all, as I have said earlier, our investigation to date has related only to the crime-type comics.

In other words, we have not gone into war comics, love comics, jungle comics, and the many other varieties of comics.

Now, we do plan and will be looking further at some of these other types of comics. They will be subject to careful evaluation and certainly, Mr. Beaser, we will be looking for such evidence of subversion in the course of that exploration.

Now, I would like to mention one other item in connection with this. I have here a copy of a newsletter which is issued by the Association of Comic Magazine Publishers which contains an item regarding a charge which appeared in the Rapid City, S. D., Journal on February 18 of this year, which did make the claim that certain comic books were being utilized in an effort to get certain kinds of communistic propaganda across to youngsters.

Now, at the other extreme, I would like to mention one other item. That is, I have here a page which is designed to appear in another not too distant issue of a comic book, and this little page contains three different pictures. It is entitled "Are You a Red Dupe?" It is the story of Melvin Blizunken-Skovitchsky, who lives in Soviet Russia and who printed comic books, but some people didn't believe that other

persons had intelligence enough to decide what they wanted to read and so the secret police came and smashed poor Melvins four-color press and end up by hanging Melvin to the tree.

Now, there is a message down at the bottom and it ends up by saying, "So the next time some joker gets up at a PTA meeting, or starts jabbering about 'the naughty comic books' at your local candy store, give him the once-over. We are not saying he is a Communist! He may be innocent of the whole thing! He may be a dupe! He may not even read the 'Daily Worker'! It is just that he's swallowed the Red bait—hook, line, and sinker!"

So at the other extreme some people would make out anyone who raised any question whatsoever about the comics was also giving out Red-inspired propaganda.

Senator HENNINGS. Insofar as you have been able to determine and evaluate this whole enterprise, or industry, the profit motive is the factor, is it not?

Mr. CLENDENEN. Yes, sir; that is my own opinion.

Senator HENNINGS. You do not suggest that there is any conspiratorial attempt to corrupt the minds of young people nor to influence their behavior or their conduct, nor to warp, or otherwise do something detrimental to their lives, futures; it is the business of making money out of this?

Mr. CLENDENEN. That is right. I hope I made it perfectly clear that our investigation revealed no planned effort.

Senator HENNINGS. I think you did, and I wanted to emphasize in addition to your having made it clear, Mr. Clendenen, that it is the business of making money and they do not seem to care what they do or what they purvey or what they dish out to these youngsters as long as it sells and brings in the money.

This seems to be an effort, this "Are you a Red dupe?" business, to forestall or bring such pressure to bear as can be against any attempt to even look into or to examine this to see what it may be doing.

Mr. CLENDENEN. I would interpret it as such.

Senator HENNINGS. By throwing the suggestion out that anybody who questions whether or not these things are beneficial must be a Communist because of our friend who had the press smashed over in Soviet Russia?

Mr. CLENDENEN. Right.

Mr. HANNOCH. Where did you get this that has not as yet come out?

Mr. CLENDENEN. This was provided to us by a publisher, Mr. William Gaines.

Senator HENNINGS. While you were investigating him?

Mr. CLENDENEN. Yes, sir.

Mr. HANNOCH. Was that supposed to stop you from investigating when he showed you this?

Mr. CLENDENEN. No; I think not. He thought we would be interested in the item and he gave it to us.

Mr. HANNOCH. It is about to be published by him?

Mr. CLENDENEN. The information that we had was that this would appear in a future issue of this publication.

The CHAIRMAN. But it has not been published yet?

Mr. CLENDENEN. We have not seen it on the newsstand, Senator.

The CHAIRMAN. Senator Kefauver?

Senator KEFAUVER. This is very interesting. They attempt to quote the Daily Worker to show that anyone who questions comics is a Communist. I think this should be placed in the record along with the item you spoke about that quoted the editor from Rapid City, S. Dak.

The CHAIRMAN. The Chair agrees with the Senator from Tennessee, and without objection, the items will be made a part of the record. Let that be exhibits Nos. 8 a and b.

(The information referred to was marked "Exhibits Nos. 8a and b," and reads as follows:)

EXHIBIT No. 8A

ASSOCIATION OF COMICS MAGAZINE PUBLISHERS, INC.,
New York, N. Y., March 18, 1954.

To all Publishers of Comics Magazines

COMICS MAGAZINES ATTACKED AS COMMUNISTIC

The following headline appeared in the Rapid City (S. Dak.) Journal on February 18: "Number of Comics Books on Newsstands 'Communitic'."

The story ran 19 column inches and quoted various Army officials.

Following are the first five paragraphs:

"Fifty communistic publications are available to the people of Rapid City on local newsstands, according to a wing intelligence officer of the Ellsworth Air Force Base.

"All local newsstands are carrying communistic literature,' declared Capt. William Wygocki who spoke at a conference of civilian and military law-enforcement officials at the base Wednesday afternoon.

"The 'literature' is comic books that show brutal police and FBI officers and are derogatory to people of high social status, Wygicki said.

"They show everyone who has a high place in society as cowards with no backbone or regard for life. So they are definitely a menace," he said * * *.

(The above is an excerpt.)

The Orlando (Fla.) Sentinel on February 23 published a lengthy editorial entitled "Problems Comic Books Produce" and with the editorial ran a cartoon showing a book labeled "United States Comic Books" and across the book was pictured a hammer and sickle. The editorial concluded with a sentence summarizing Dr. Frederic Wertham. The editorial writer said: "And as propaganda agencies for Communist cells, they [comic books] are made to order."

CHRONOLOGY IN ERIE, PA.

February 23: Erie (Pa.) Times carries article attacking comics, stating in part, "A Times reporter spent 50 cents for 'children's' literature and came up with a short course in murder, mayhem, robbery, rape, cannibalism, carnage, sex, sadism, and worse."

February 24: Mayor Thomas Flatley, of Erie, ordered an investigation by police of comic books found in Erie stores.

February 25: Sharon (Pa.) Herald carried story about the Erie police investigation.

February 27: Erie Times carries story that the mayor and police chief will meet to adopt a city ordinance "with teeth in it" to keep "such matter off the stands."

COMICS SEMANTICS DEPARTMENT

The Chicago News (March 5) reported in a two-column headline: "Ciucci Denounced as Wife Cheater."

And the story said, in part: "Vincent Ciucci, young grocer accused of wiping out his family of four because he loved another woman, went on trial for his life in criminal court Friday.

"The prosecutor described him to the jury as an unfaithful husband, a deceiver of his mistress, and a *comic book reader*." [Italics ours.]

NOTES ON COMICS BOOKS FROM MANY POINTS

Mrs. Faye Hubbard, wife of Mayor Orville L. Hubbard, was wounded by a gunshot fired by her 11-year-old son (March 6); the mayor was quoted as blaming the incident on his boy's interest in comics magazines—"Russian roulette." Use of comics books in election campaigns is subject of legislation pending in Massachusetts State Legislature, supported by Republicans and Democrats. Councilman John E. Engel, of Hackensack, N. J., asked the city attorney to prepare an ordinance to regulate comic books (February 24) (Hackensack, Bergen Evening Record). Newburgh, N. Y., held meeting of 19 organizations to plan anticomics campaign, leader having described comics as "subversive"; results of meeting not yet known. A special committee is investigating comic books in Encondido; reported in the San Diego (Calif.) Union. The Bentonville, Ark., Comics Book Committee finished its evaluation for local people and the Fayetteville (Ark.) Times reports that the chairman, Mrs. Lewis Dahlstrom, is now helping other communities evaluate comics, too. Only one-tenth of all comics are fit to read, according to a police captain at a PTA meeting in Fremont, Ohio, as reported in the Fremont Messenger, February 19. The effect of comics on youth is the subject of a current study of the Study Club of Freer, Tex. "Abolition of degrading comics books for all time" is the goal of a campaign of women's clubs in Leesburg, Fla.; comics books were described as direct contributors to juvenile delinquency; late in February and early March, the Orlando (Fla.) Sentinel carried anticomics editorials and letters to the editor. The Springfield, Mass. Comics Investigation Committee announced it will not engage in "witch hunts" (February 23, Springfield News). Numerous Washington dispatches continue to report intention of Hendrickson committee to investigate comics. Hartford, Conn., continues to be center of strong anticomics fight; nearby communities plan comics curbs, following series by Hartford Courant, described in earlier ACMP bulletin; daily anticomics activity is reported. Anticomics action reported in the press of Los Angeles; Hammond, Ind.; Houston, Tex.; Detroit, Mich.; Asheville, N. C.; and elsewhere.

PATRI URGES CAUTION

Angelo Patri's syndicated newspaper column, while critical of comics, on February 26, included the following after discussing comics censorship: "What we want to do is to safeguard the children and still preserve our cherished right to read what we choose. It requires careful doing, but it can be done."

NEWS BRIEFS

The New Haven Register warmly commended the B. F. Goodrich educational comics magazine on highway safety.

The Erie (Pa.) Times commended a local committee that succeeded in "rid-ding the city of smutty and obscene literature" no longer visible on the news-stands (February 24).

The New Orleans States warmly praised Dr. Rex Morgan, comic strip, as edu-cational and constructive and said the way to deal with "unwholesome enter-tainment" is to provide "a more wholesome kind."

The Albany (N. Y.) Knickerbocker News and Elmira (N. Y.) Star-Gazette carried identical editorials (February 19 and 22) on New York State comics legislation, concluding that if the State legislature "fails to exercise judgment," it will have failed to perform its proper function in connection with pending anticomics legislation.

Alfred A. Albert, Boston leader in civil liberty efforts, defended comics in a strong letter to the Boston Herald on March 3.

Dr. William Darby Glenn, psychology department chief of University of Tampa, in a speech before the Miami Woman's Club, declared many a child has learned to read from comic books where the conventional reader has failed.

Observes the Schenectady (N. Y.) Union Star on February 25: "Enlightened and determined public opinion is the only true censorship in a nonpolice state," anent anticomics legislation.

Activity against comics magazines seems to have become more intense in all sections of the country in the past 10 days.

HENRY EDWARD SCHULTZ,
General Council.

EXHIBIT No. 8b

ARE YOU A RED DUPE?



- HERE IN AMERICA, WE CAN *STILL* PUBLISH COMIC MAGAZINES, NEWSPAPERS, SLICKS, BOOKS AND THE BIBLE. WE DON'T *HAVE* TO SEND THEM TO A CENSOR FIRST. NOT *YET*...
- BUT THERE ARE SOME PEOPLE IN AMERICA WHO WOULD *LIKE* TO CENSOR... WHO WOULD *LIKE* TO SUPPRESS COMICS. IT ISN'T THAT THEY DON'T LIKE COMICS FOR *THEM*! THEY DON'T LIKE THEM FOR *YOU*!
- THESE PEOPLE SAY THAT *COMIC BOOKS* AREN'T AS GOOD FOR CHILDREN AS *NO* COMIC BOOKS, OR SOMETHING LIKE THAT. SOME OF THESE PEOPLE ARE NO-GOODS. SOME ARE DO-GOODERS. SOME ARE WELL-MEANING. AND SOME ARE JUST PLAIN MEAN.
- BUT WE ARE CONCERNED WITH AN AMAZING REVELATION. AFTER MUCH SEARCHING OF NEWSPAPER FILES, WE'VE MADE AN ASTOUNDING DISCOVERY:

THE GROUP MOST ANXIOUS TO DESTROY COMICS ARE THE COMMUNISTS!

- WE'RE SERIOUS! NO KIDDIN'! HERE! READ THIS:

THE [COMMUNIST] "DAILY WORKER" OF JULY 13, 1953 BITTERLY ATTACKED THE ROLE OF:

"...SO-CALLED 'COMICS' IN BRUTALIZING AMERICAN YOUTH, THE BETTER TO PREPARE THEM FOR MILITARY SERVICE IN IMPLEMENTING OUR GOVERNMENT'S AIMS OF WORLD DOMINATION, AND TO ACCEPT THE ATROCITIES NOW BEING PERPETRATED BY AMERICAN SOLDIERS AND AIRMEN IN KOREA UNDER THE FLAG OF THE UNITED NATIONS."

THIS ARTICLE ALSO QUOTED GERSHON LEGMAN (WHO CLAIMS TO BE A GHOST WRITER FOR DR. FREDERICK WERTHAM, THE AUTHOR OF A RECENT SNEER AGAINST COMICS PUBLISHED IN "THE LADIES HOME JOURNAL"). THIS SAME G. LEGMAN, IN ISSUE #3 OF "NEUROTICA," PUBLISHED IN AUTUMN 1948, WILDLY CONDEMNED COMICS, ALTHOUGH ADMITTING THAT:

"THE CHILD'S NATURAL CHARACTER... MUST BE DISTORTED TO FIT CIVILIZATION... FANTASY VIOLENCE WILL PARALYZE HIS RESISTANCE, DIVERT HIS AGGRESSION TO UNREAL ENEMIES AND FRUSTRATIONS, AND IN THIS WAY PREVENT HIM FROM REBELLING AGAINST PARENTS AND TEACHERS... THIS WILL SIPHON OFF HIS RESISTANCE AGAINST SOCIETY, AND PREVENT REVOLUTION."

- SO THE *NEXT* TIME SOME JOKER GETS UP AT A P.T.A. MEETING, OR STARTS JABBERING ABOUT THE "NAUGHTY COMIC BOOKS," AT YOUR LOCAL CANDY STORE, GIVE HIM THE *ONCE-OVER*. WE'RE NOT SAYING HE *IS* A COMMUNIST! HE MAY BE INNOCENT OF THE WHOLE THING! HE MAY BE A *DUPE*! HE MAY NOT EVEN *READ* THE "DAILY WORKER"! IT'S JUST THAT HE'S *SWALLOWED* THE *RED BAIT*... *HOOK, LINE, AND SINKER*!

Senator KEFAUVER. You referred to Mr. Gaines. Who is he?

Mr. CLENDENEN. He is the publisher of the Entertaining Comics Group.

The CHAIRMAN. Entertaining Comic Group. You distinguish now from the Crime Comics?

Mr. CLENDENEN. No, sir; by group I mean a group of comics that all carry the Entertaining Comics label and although they may be put out by 2 or 3 different corporations, you lump them all together; it is really, for all practical purposes, a single business operation and

the single business operation in this case is the Entertaining Comics.

Senator HENNINGS. This legend is very interesting as we read this propaganda. The first sentence:

Here in America, we can still publish comic magazines, newspapers, slicks, books, and the Bible. We don't have to send them to a censor first. Not yet * * *

Mr. HANNOCH (reading) :

The group most anxious to destroy comics are the Communists.

That is in the big type, is it not?

Mr. CLENDENEN. Yes, that is the big type.

Mr. BEASER. No further questions.

The CHAIRMAN. Do my distinguished colleagues have any further questions?

Thank you very much, Mr. Clendenen. I think your next witness is Dr. Harris Peck, is it not, Counsel?

Mr. BEASER. Yes.

The CHAIRMAN. Will Dr. Peck come forward, please?

Doctor, will you be sworn, please?

Do you solemnly swear that the testimony you will give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. PECK. I do.

TESTIMONY OF DR. HARRIS PECK, DIRECTOR, BUREAU OF MENTAL HEALTH SERVICES, CHILDREN'S COURT, NEW YORK CITY COURT OF DOMESTIC RELATIONS, NEW YORK, N. Y.

The CHAIRMAN. Doctor, did you have a prepared statement?

Dr. PECK. No, I do not.

The CHAIRMAN. Will you proceed to give your testimony in your own manner?

Mr. BEASER. I think it might be easier for the Doctor if we had questions.

The CHAIRMAN. Proceed, then.

Mr. BEASER. Will you state for the record your full name, address, present occupation, and title?

Dr. PECK. I am Dr. Harris Peck, and I am the director of the Bureau of Mental Health Services for the New York City Court of Domestic Relations.

Mr. BEASER. At the children's court?

Dr. PECK. That is, the court of domestic relations is comprised of two courts, the family court and the children's court.

Mr. BEASER. Could you give us a little bit of your background? You are a psychiatrist, are you?

Dr. PECK. Yes, I have been associated with the court for almost 8 years, first, as senior psychiatrist in charge of the treatment services, and for the past several years I was director of the mental health services.

Prior to that I was director of a child-guidance clinic at the General Hospital in the city, and was a research and teaching fellow at the Bellevue Hospital, New York University Medical Center.

Mr. BEASER. Were you here this morning when Mr. Clendenen testified?

Dr. PECK. Yes.

Mr. BEASER. Would you care to give us your opinion on his testimony, the exhibits he used in relation to the effect of crime and horror comics upon children and juvenile delinquency?

Dr. PECK. I think I should precede my remarks by saying that I really cannot pose as an expert in the field of comic books. When I was asked to come down I tried to make that clear.

Perhaps my contribution can be only a very limited one.

I have worked extensively in the psychiatric treatment of juvenile delinquents and in the course of that have had some contact with the comic-book situation, but I have made no systematic study of it and cannot testify as an expert in that sense.

I think that my own general view from my experiences with children as seen in a court clinic would lead to the feeling that certainly we cannot look to comic books as being a primary causative source for juvenile delinquency.

In that sense I would certainly support Mr. Clendenen's view that normal children are not led to crime as we have seen it in the court clinic because of reading comic books.

On the other hand, I certainly do feel that in areas of our city where there are many deteriorating influences at work on children which do end them up in our court, certainly the comic books may be an aiding and abetting influence and may well precipitate some of the concerns which have already been set into motion by other forces.

Also I think I can confirm the fact that many of the children received in our court clinic are quite preoccupied with the materials of the kinds of comic books that were shown here this morning.

Mr. BEASER. Doctor, I have heard, or read, the statement that a child who is emotionally maladjusted, if that is the correct term, is exactly the kind of child who would shun reading a crime or horror comic. Is that true from your experience, or are they attracted to it?

Dr. PECK. I can say that almost without exception most of the children that we do see at the psychiatric services of the court are reading comic books and most of them are comics of this description.

As I said earlier, I have not conducted any systematic study on that matter and this is an impression only.

The CHAIRMAN. The children that you refer to, Doctor, are all children who are in trouble, are they not?

Dr. PECK. That is right. The children we see at our clinic are children who have already been judged delinquent by the children's court.

Mr. BEASER. Doctor, there were two particular stories I wanted to call your attention to that which Mr. Clendenen told this morning.

One I ask him about specifically, the other I did not. One related to the child about to be placed in a foster home whose foster parents turn out to be vampires or something and the child himself turned out to be a werewolf and the other related to the child whose mother was running around and her father was a drunkard and who had killed in one way or another the parents and the boy friend.

Would you be able to tell a little bit about the reaction of a normal or well-adjusted child to those two kinds of stories assuming these stories are typical of the kind the child is reading?

Dr. PECK. A fair number of the children whom we see come from homes in which there is already a certain amount of disruption. Sometimes this is of a superficial character in that both parents may be working and the child is simply left alone a good deal of the time.

In other instances, the family has been broken up by divorce or desertion or there may be one or several parents who are either physically or emotionally disturbed.

I would say from my experience that for such a child, material which painted parent figures in a horrendous light that such a child would be unusually susceptible to this kind of material because it would play into its own phantasies.

I think it is conceivable that this kind of material, presented in the fashion that we see in the comic books, could give an additional thrust to other forces already operating on the child.

Senator HENNINGS. May I ask Dr. Peck a question at that point?

The CHAIRMAN. You may.

Senator HENNINGS. It seems that I recall from reading of Hans Christian Anderson and Grimm's Fairy Tales that there were a number of those stories that related to the vicious, mean, overbearing step-mother, it seems they emphasized the step-relationship.

Dr. PECK. Yes.

Senator HENNINGS. Now, there was a great deal that was pretty horrible in some of these things, was there not?

Dr. PECK. Yes.

Senator HENNINGS. Going back and relating that sort of thing which has gone on for many generations by way of reading material for the very young and as I have suggested Poe's stories, and that sort of thing, how do we distinguish, or can we distinguish between that sort of writing which is given to very young children and has been for a long time, and this sort of thing about which we are now talking today?

Dr. PECK. In some regards I think you cannot distinguish. I think some of the most vicious, even the very plots as you suggest, are identical.

It is for that reason that I think some caution must be observed in attributing to the comic books a major impetus for delinquency.

Among the differences, however, is that although characters are drawn rather in black and white lines, there is some development of character, there is, if you like, some humaneness about the stories, most of which are absent in the comic book materials which seem to enlarge on the most perverse aspects of the human conscience, at least in the kind of materials that were presented here.

One might also say, although I think someone observed earlier in the hearings the earlier materials were illustrated, I think the type of illustration that one sees here, especially the highly sexualized material, was largely absent from some of the more classical fairy tale material.

Now, I might say that a large group of the youngsters that we see in our court would be unable to reach very much of the classical fairy tale material because reading disability is so prevalent in this population.

So I suspect many of them react even more to the illustrative material than to the printed word, although that is kept at a very simple level.

Senator HENNINGS. Thank you, Doctor.

Mr. BEASER. I have just one more question, Mr. Chairman.

The CHAIRMAN. Proceed, Mr. Beaser.

Mr. BEASER. Doctor, you have seen the pages of comic books or any illustrated magazine used for teaching children what to do. Teaching them to do good things is what I meant, mental health, hygiene, and so forth.

Is it also possible to utilize the pages of the comics through crime and horror so that children learn to do bad things?

Dr. PECK. Certainly audiovisual aids are enjoying increasing prominence in educational techniques.

I think, as a matter of fact, one of our local correctional institutions, the New York State School, is using a comic-book type of presentation for its new arrivals to help orient them to the place and before they arrive there they give them some real feeling of what the place is about.

So certainly the comic book, I don't believe, should be devised as a form. As to whether or not it can teach bad things, I think very largely that depends on who is being taught and what their situation is.

I think the children, many of whom need expression, many of whom are frustrated, who are in deprived situations, certainly will look to the comic books for release and for expression of the kind of violence which is being stirred up in them.

Children who are suffering disturbances in their own family situations will be especially susceptible to the kind of material in which parent figures engage in all kinds of perverse activities.

So that I think when one says that they may teach bad things, one has to qualify it in that way.

Mr. BEASER. No further questions, Mr. Chairman.

The CHAIRMAN. Doctor, you referred to reading deficiencies in respect to the more classical type of fairy tale. Now, these children would not have any trouble reading these things, would they, children to whom you referred?

Dr. PECK. Some would, some would have to look at the pictures. In a study of our court population we found that 75 percent of the population who were brought in for other than school difficulties were at least 2 years retarded in reading and half of those were 5 years retarded in reading, which means that a fair number of them were non-readers and would barely be able to make out some of the material even in the comic books.

Senator KEFAUVER. Dr. Peck, do you feel that the stable children who could, without doing any harm to themselves read these horror and crime comics, usually are the ones that are not reading them, but are reading something else and the maladjusted, unstable child who ought to be reading something else is usually the one who is found with horror and crime comics. Is that the situation?

Dr. PECK. I suspect that trend exists. That is not to say that so-called normal children may not find some interest in this kind of material and without it necessarily precipitating them into delinquency. Certainly, I think we might talk about more or less desirable educational materials, and this would certainly be one of the less desirable.

Senator KEFAUVER. Dr. Peck, did you give the subcommittee any

estimate of the number of children that you have seen from which you gain your conclusions?

Dr. PECK. We see approximately about 2,000 cases a year at the mental health services of the New York City children's court. So I think it would be fair to say I have seen about—or through my service, we have seen about 15,000 cases over the past 7 or 8 years.

Senator KEFAUVER. Do you find about the same conclusions in other places of the country? What you have said New York is typical of, happens throughout the Nation, I take it?

Dr. PECK. In regard to what point, Senator?

Senator KEFAUVER. In regard to the effect of horror and crime comics.

In other words, in your discussion and experience with other psychiatrists, do you find that they generally agree with you in your conclusions?

Dr. PECK. I think as Mr. Clendenen indicated, there is some variance in point of view. The point of view I have given here, I think you might say, is something of a middle-of-the-road point of view. There are those who are very much more concerned about the effect of comic books and there are those who discount a good deal more than I would be willing to.

Senator KEFAUVER. So you think you are in the middle of the road in appraising the matter?

Dr. PECK. I think that would be a fair estimate of my position.

Senator KEFAUVER. I think you have been very fair in your point of view.

Senator HENNINGS. Mr. Chairman.

The CHAIRMAN. The Senator from Missouri.

Senator HENNINGS. Doctor, I know we all appreciate very much your coming here and giving us the benefit of your thoughtful consideration of these things which are of interest to us and which in many respects are very complex.

For example, we are led to believe, are we not, that crimes of violence are increasing here and perhaps in England?

Dr. PECK. Yes; that is true.

Senator HENNINGS. Although figures and statistics—and figures can be very misleading, can they not?

Dr. PECK. Yes.

Senator HENNINGS. When we talk about homicides, sometimes it is in the course of a robbery, perpetration of a felony; sometimes as the Latin Americans say, a crime of passion, sometimes a sporadic sort of thing that does not seem to be accounted for by anything except we are people with all the ills that flesh is heir to.

We know that one of the prime entertainments in England years ago was a public hanging, until Charles Dickens and a number of reformers of that period abolished public executions and they began to hang people behind the walls of penitentiaries.

We know in this country even today in some communities people clamor to get into the death house, or get into where the gallows is put up so they can see these things, but by and large we do not let the general public view these as spectacles, but they were great sources of amusement. Fathers took the family and promised the children if they were good they would take them to the hanging the next day.

Now, we have stopped that sort of thing for the most part. We do not have these public evidences of brutality.

Has that had any effect, good or bad, except as a question of taste and general public policy?

Dr. PECK. I must confess that in the absence of any adequate study, and I am afraid it is a kind of frustrating answer, I would be unable to answer in any definitive way.

However, I think one must differentiate between certain isolated phenomena and some, if you like, which are facilitated because they fall in with a whole series of other happenings which all go in the same direction.

I think perhaps in part the comic books are a matter of concern, because there are other kinds of things which kind of hit kids in the same way so they become especially significant, I would think.

Senator HENNINGS. I do not have an opinion, Doctor, but to me, it seemed to be a very interesting field for speculation. We have cut out so many of the outward semblances or evidences of brutality, the pillory, the stocks, the ducking stool, and the public executions, and still we do not seem to, by and large, have done very much about ameliorating violence and that character of crime, have we?

Dr. PECK. Yet we must say from our study of very young children who are not ill, we do not find any evidence of what you might call an inherent destructive impulse in youngsters, as such, and given the opportunities for the growth and normal aggression as distinguished from destructiveness and hostility, I think we are almost forced to conclude that there is something in the situations which we provide children that acts in good part.

Senator KEFAUVER. I wonder if this would not have something to do with it, Dr. Peck. We did not condone public hangings and generally they are not legal now, but the number of people who would see them compared with the number who would read 25,000 horror crime books per month, which are put out, would be many, many times those who would get to the place where the hanging took place.

In other words, there is much wider dissemination and chances to see.

Dr. PECK. That is certainly correct.

Senator HENNINGS. Over 100,000 used to crowd the hill in London outside of the Old Bailey. Families, children, with lunch baskets and the pickpockets were working the crowd while they were hanging one.

The CHAIRMAN. Doctor, do you find that the more serious crime is growing among the younger age groups? Is that your experience here in New York?

Dr. PECK. We have noted in our observations that the court itself does report more serious type of delinquency and, in rough kinds of studies, we think this probably does correspond with an increasing amount of psychosocial disturbance in the youngsters we see.

The CHAIRMAN. That is on the increase?

Dr. PECK. That seems to be.

The CHAIRMAN. Thank you, Doctor.

Does counsel have any further questions?

Mr. BEASER. No further questions.

The CHAIRMAN. This subcommittee wishes to thank you very much for your appearance this morning. You have made a real contribution.

Dr. PECK. It has been a privilege to appear.

Mr. BEASER. Mr. Henry Schultz.

The CHAIRMAN. Will you be sworn, please?

Do you solemnly swear that the testimony you will give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCHULTZ. I do.

**TESTIMONY OF HENRY EDWARD SCHULTZ, GENERAL COUNSEL,
ASSOCIATION OF COMIC MAGAZINE PUBLISHERS, INC., NEW
YORK, N. Y.**

Mr. BEASER. Will you state your name, address, and occupation, for the record?

Mr. SCHULTZ. Henry Edward Schultz. I am an attorney, counsel for the Association of Comic Book Publishers. I am at 205 East 42d Street here in New York.

Mr. BEASER. Will you tell us a bit about the association, its past and present membership; how it got started, and what its purposes are?

Mr. SCHULTZ. I must be a little vague about the precise date because I had no contact with it at the time, but my recollection is that it was about 6 or 7 years ago that the comic book publishers, almost 90 percent of them, gathered together in the face of tightening storms of criticism and sought to band together to do something about it.

They organized themselves into a—I would presume you would call it—trade association of one kind or another, and under the leadership of a committee, formulated a code.

Again I had no hand in that formulation. It was headed as I recall it, by George Hecht, one of the finer, better publishers in the industry, who publishes Parents magazine.

I think as we look back, it was a sincere effort to bring some beginning of order out of chaos. Unfortunately, early in the operation of that association, some of the larger publishers left it and when I was approached——

Mr. BEASER. When you first started was it in 1948, 6 or 7 years ago?

Mr. SCHULTZ. I suspect it is 1948 or 1947.

Mr. BEASER. Were all the publishers members? Did they all join?

Mr. SCHULTZ. I think almost without exception, there may have been 1 or 2 people who didn't attend those meetings, but as I understand it, and this is hearsay, 90 percent of the industry were members of that original organization that was formed.

Mr. BEASER. Then the association adopted a code and it was after the adoption of the code that some members left; is that it?

Mr. SCHULTZ. That is true, but I hasten to add if there is any inference in that that they left because of the code, that would be unfair to them.

The people who left, some of them, are the finest publishers of comics in the industry; some of the largest ones. They left for a

variety of reasons. Some of them felt that they should not be associated with some of the elements in the industry that they felt were publishing products inferior to theirs and there is also, in passing, a great deal of internecine warfare in this industry, a lot of old difficulties which mitigated a strong, well-knit attempt to organize.

Mr. BEASER. Have you a copy of the code with you?

Mr. SCHULTZ. No, I am sorry. I thought the committee had one.

Mr. BEASER. We have one. I would like to offer this, Mr. Chairman.

The CHAIRMAN. It will be received and marked for the record and incorporated in the record without objection. Let it be exhibit No. 9.

(The document referred to was marked "Exhibit No. 9," and reads as follows:)

EXHIBIT No. 9

COMICS CODE ADOPTED BY PUBLISHERS

NEW YORK, July 1.—The Association of Comics Magazine Publishers today announces the adoption of a code of minimum editorial standards. The association is now conducting an intensive drive to secure the membership of all the comics magazine publishers in the United States and their pledge to abide by the comics code. The code will be sent to local societies, civic groups, and distributors of magazines.

The association also announces that it is considering appointing a commissioner whose function it will be to survey the entire industry in the light of the comics code, and to suggest changes, if necessary, as well as to impose restrictions on those members of the association whose magazines do not adhere to the particulars of the comics code. Also under consideration is the adoption of a seal to be used on comics magazines, the contents of which meet the requirements of the comics code. The code reads as follows:

THE COMICS CODE

The Association of Comics Magazine Publishers, realizing its responsibility to the millions of readers of comics magazines and to the public generally, urges its members and others to publish comics magazines containing only good, wholesome entertainment or education, and in no event include in any magazine comics that may in any way lower the moral standards of those who read them. In particular:

(1) Sexy, wanton comics should not be published. No drawing should show a female indecently or unduly exposed, and in no event more nude than in a bathing suit commonly worn in the United States of America.

(2) Crime should not be presented in such a way as to throw sympathy against law and justice or to inspire others with the desire for imitation. No comics shall show the details and methods of a crime committed by a youth. Policemen, judges, Government officials, and respected institutions should not be portrayed as stupid or ineffective, or represented in such a way as to weaken respect for established authority.

(3) No scenes of sadistic torture should be shown.

(4) Vulgar and obscene language should never be used. Slang should be kept to a minimum and used only when essential to the story.

(5) Divorce should not be treated humorously nor represented as glamorous or alluring.

(6) Ridicule of or attack on any religious or racial group is never permissible.

The association anticipates the support of all publishers in its effort to enforce the minimum editorial standards of the comics code. It is pointed out, however, that comics magazines are usually prepared at least 3 months before issues go on sale, so that practical application of the code may not be evident for a number of months.

The comics magazine publishers who have already agreed to abide by the comics code, all of whom are not, however, members of the association, are: Premium Service Co., Inc., Famous Funnies, Inc., Hillman Periodicals, Inc., Parents' Institute, Inc., Lev Gleason Publications, Inc., McCombs Publications,

Inc., The Golden Willow Press, Avon Periodicals, Inc., Ace Magazines, Orbit Publications, Inc., Superior Comics, Consolidated Magazines, Inc.

Mr. BEASER. What is your present membership in this association?

Mr. SCHULTZ. We have about a dozen members, only three of which are publishers, several distributors, some of the printers, and engravers.

I say that our experience in continuing this organization has been a study in frustration. When I came into the picture some 6 or 7 years ago, we had one-third of the industry. Since that time there have been defections from that very substantially so that today unfortunately our association represents a very insignificant, small fraction of the industry, those few diehards who still believe that by some miracle the organization of their original premise, which was a program of self-regulation of comics, might yet come true.

Unfortunately it has not happened.

Mr. BEASER. You say there were defections. Do you have any who left because they were not abiding by the code?

Mr. SCHULTZ. There were several resignations which were directly traceable to the fact that I, as a person of some responsibility in this, refused to approve certain magazines and these people felt they could not live under what they regarded as excessive, kind of narrow, restrictions.

Mr. BEASER. You were enforcing the code, in other words?

Mr. SCHULTZ. I tried to enforce it on a very practical level.

Mr. BEASER. How many publishers were involved?

Mr. SCHULTZ. In the defection?

Mr. BEASER. Yes.

Mr. SCHULTZ. I know of two publishers who left for that very specific reason. Others left without giving reasons. I can only guess what the motivation may have been.

Mr. BEASER. Which were the two that had difficulty with respect to the code?

Mr. SCHULTZ. One was the Educational Comics. It is now Entertainment Comics, the Gaines Publishing.

The other was something called the Avon, and there, again, with the proliferation of corporations and names those names cover a variety of companies, I presume.

Mr. BEASER. How do you operate, or how does the association operate now as contrasted with the past? Do you screen all the magazines or comics which bear your seal of approval?

Mr. SCHULTZ. Originally when I was approached, the concept was to set up a counterpart of the motion-picture production code. We had what I still think were good ideas. We got together a committee of educators. We had the superintendent of schools here in New York; we had the State librarian, some others, as an advisory committee to sit in seminars with publishers and educators to raise the language content levels, and so on.

We actually had a procedure. Some people we hired were actually reading the comics in the boards; that is, the raw state of the pasted-up kind of thing before it gets to the printer.

When—I guess it is more than 3 years now, perhaps a little longer—the defections became so bad we could not afford to continue that kind of precensorship arrangement and that has been discarded. Today

we do no self-regulation at all except as it may exist in the minds of the editors and they proceed in their daily work.

Mr. BEASER. In other words, Mr. Schultz, the comic books, crime and horror comic books which today bear the seal of approval of the association, does not necessarily mean that anybody in the association has read them and actually approved of the comics?

Mr. SCHULTZ. They do not. The association some 3 years ago—the few remaining members—adopted a provision in which they agreed they would do their own censoring, their own censorship at that point, and there is no longer that other process which I described.

Mr. BEASER. Yet they still do bear the seal of approval?

Mr. SCHULTZ. Yes, they bear the seal now, the concept being that in their judgment they conform to that code which has been made part of the record.

Mr. BEASER. Now, in the enforcement of your code, or your regulations, whatever it is, have you any sanctions whatsoever?

Mr. SCHULTZ. No; we have no sanctions.

Mr. BEASER. In other words, the publisher who does not live up to your code just goes ahead?

Mr. SCHULTZ. A publisher who was a member of the association who desired to have the seal on his publication, if he did not conform to the recommendations made, would be deprived of the right to use the seal.

Mr. BEASER. I mean right now a person is a member of the association and puts out a magazine that bears the seal, there is no way, is there, in which your organization as a functioning organization takes action?

Mr. SCHULTZ. We do no checking whatever, none whatever.

Mr. BEASER. Were you here this morning, Mr. Schultz?

Mr. SCHULTZ. Yes; I was, right from the very inception.

Mr. BEASER. Did you see some of the exhibits?

Mr. SCHULTZ. Yes; I did.

Mr. BEASER. Would you say that the ones which showed crime, horror and terror, would conform to your articles on crime in the code and on sadistic torture which are forbidden under your code?

Mr. SCHULTZ. Well, it is pretty hard to generalize. First of all, I would say when the code was adopted the weird kind of terror comics had not been in existence and the committee that formulated the code made no provision or reference to it whatever, so that it is hard to answer the question technically as to whether it conforms to the code.

My difficulties, however, go beyond the technical. I certainly think they violate the spirit and intent of such code and was one of the reasons for the defections about which I spoke.

Mr. BEASER. Would it, in your opinion, violate the provisions of that code which says that the objective of the code is to prohibit anything which in any way lowers the moral standards of those who read them?

Mr. SCHULTZ. Now you are getting into an area in which I have very limited competence. I have a lot of experience and contact in the last 6 years with the whole body of the men who have studied the problem and I am as confused as I presume everybody else is about how to answer that question.

My guess is that you will not get any eminent, sound, responsible psychiatrist who will make a definitive statement on that subject.

Mr. BEASER. I was testing the exhibits against the code itself.

Senator KEFAUVER. Mr. Chairman, if I may make a suggestion, this reads to me like a very excellent code that has been given a great deal of thought. If the publishers would follow this code, I do not think we would have this problem that we are talking about today. I know the code has been made a part of the record, but I would think, so that we would know what we are talking about, the paragraph having to do with that they recommend be published and what should not be published, ought to be read.

The CHAIRMAN. I shall be very glad to have the counsel read that portion of the code.

I, too, want to join in commending the association for that code. It is a good code and would do the trick if it were observed.

Senator KEFAUVER. Counsel might read the whole thing. It is very short.

The CHAIRMAN. Counsel, will you read the code?

Mr. BEASER. This is something entitled "The Comics Code."

(Mr. Beaser read "The Comics Code" which appears as "Exhibit No. 9" on p. 70.)

The CHAIRMAN. You may proceed.

Mr. BEASER. I have one more question. You have had some years of experience in representing comic-book publishers. In the sale and distribution of comic books, are the dealers at the local level required by either the wholesaler, the distributor, or the publisher in any way to carry crime and horror comic books?

Mr. SCHULTZ. I would say the best answer I could give starts with the basis that all magazines, comic books, and all publications of every kind and variety are sold on a fully returnable basis. So you start with the concept that a dealer who feels the urge not to sell——

Mr. BEASER. A dealer is the man on the street corner?

Mr. SCHULTZ. A retailer. If the retailer desires to avoid selling any magazines, either which for political or social or religious or moral reasons offends his sensibilities, all he has to do is put them under the counter and return them for full credit.

I would not say there are instances where a roadman representing the wholesaler or the distributor in New York, in an effort to perform his function, may not urge a dealer to display a comic horror book he might not want to, but there is no compulsion legally in any of the arrangements that I am aware of in the publishing industry.

Mr. BEASER. Have you heard of compulsion in the form of either a publisher, wholesaler, or distributor saying to dealers that unless they carry crime and horror comics that they will not be given other, say, more salable magazines?

Mr. SCHULTZ. I have not heard that, but I can imagine its happening for a different reason. It is very much, Mr. Beaser, like the automobile business where they have an agency and they would not like the agent to prefer to sell only the convertibles. They want him to have a full line.

If a fat distributor, like the American News Co., that distributes 100 magazines, they prefer a wholesaler to carry their full franchise, all of their publications.

I presume if the point was reached where a wholesaler, by refusing to accept publications, or returning them without sale, got to the point where his franchise was ineffective and he was not doing a decent job for the individual distributor, he might remove the franchise and give it to somebody else.

Mr. BEASER. In other words, there is the possibility, then, that if a particular dealer in a drugstore does not want to carry some of the crime and horror comics and keeps returning certain issues, that he may be refused the sale of other magazines by the wholesaler?

Mr. SCHULTZ. I can't conceive it happening at the level of the retailer. I think it would be very remote.

Mr. BEASER. It would be likely to happen then at the distributor-wholesaler level?

Mr. SCHULTZ. It could happen at the distributor-wholesaler level, but I have never heard of its happening.

Mr. HANNOCH. Have you not heard that it is so prevalent that it becomes necessary to pass statutes making it illegal to do that very thing?

Mr. SCHULTZ. I know of the statutes that are in existence, Mr. Hannoch, I think they perhaps proceeded on a notion which is different from mine. That is, that there is some compulsion in the so-called tie-in sale.

My own experience in this industry representing publishers for a quarter of a century, would seem to indicate to the contrary.

Mr. BEASER. Do you think the statutes were passed in various States without any reason at all and not to cure an evil?

Mr. SCHULTZ. I think that the statutes that were passed in Idaho—there is one in New York that has just been passed, and there was a suggestion of one in New Jersey—were passed as a result of a great deal of excitement and hysteria, in my judgment, about this whole problem of the impact of the mass media on juvenile delinquency.

I think they proceed from an erroneous assumption that the tie-in sale is a part of the legal mechanism of the distribution business when in fact it is not.

The CHAIRMAN. You do agree, Mr. Schultz, that if they would abide by this code, if the publishers did abide by this code which was read into the record, the trouble would be solved?

Mr. SCHULTZ. I am sure 90 percent of the trouble would be removed.

The CHAIRMAN. At least the dangers would have been eliminated; would they not?

Mr. SCHULTZ. Yes, except for the dangers that come from, if I may just expand on that phase of it—I would hate to feel I came down just to tell this story of frustration of the association without at least being given the privilege of saying one word about my own views of the impact of these comics on this problem.

I have had the feeling from all I have seen and read, and I have had a great deal of contact with it, that there are people who, for motivations of their own, some very sincere, some, I think, insincere, have made of this comic-book issue a national scandal.

I think it has been a disservice to the people. I think it has been a disservice to the whole problem that this committee is trying to grapple with, the problem of trying to find the basic impetus.

The causes of juvenile delinquency are broad, that to do the thing that has happened so many times, which is to point to the easiest

culprit and say it is the comic book that is responsible for all our difficulties, is a very dangerous thing.

I am not talking now from the comic-book publishers standpoint. I think it detracts from the ability to understand the real basic cause of juvenile delinquency. I think it impedes intelligent investigation into those causes. It gratifies the feelings of parents and others that something is being done about it when everybody blames the mass media, comics or television or motion pictures.

I would say from my talking with men who have devoted years to a study of this problem that they are all agreed that the tools which they have in psychiatry and sociology are still too blunt to enable the careful measurement of the kind of answer which might be indicated by Mr. Beaser's question.

They are only beginning to feel their way into this area.

The CHAIRMAN. You realize, of course, Mr. Schultz, that this subcommittee is only trying to shed a true light on this problem?

Mr. SCHULTZ. I would hope, if I may make one plea in conclusion, that this committee, in the face of the larger scope of this problem, it is a serious, important, difficult problem, could do a great service in my judgment if it would, while excoriating the bad taste and the vulgarity sometimes bordering on obscenity, that occurs in these publications, I think many of the comic-book publishers have failed in their duty to mothers to take this great medium which was 7 years ago a wonderful vital thing and they have debased it in many ways, I think they should be criticized for that.

But I think the whole problem of comic books and their impact must be put in proper focus. How much of an impact all of the mass media can make on this problem and what little corner of it the comic book occupies is a very difficult measurement to make.

You start with the Gluecks at Harvard, who have devoted years to this work, who tell us in their definitive book that just came out that a child's pattern of delinquency is fixed at the age of six. That is even before he is exposed to mass media.

The CHAIRMAN. They have been before this subcommittee.

Mr. SCHULTZ. I did not know they had. But you get an opportunity, I think, here in a report to point out that if there is an impact it is certainly a small part of the whole and I am hopeful we can lay the ghost once and for all of the continued excitement, the frightening impact on parents and people all over the country by a few people who go about frightening people out of their wits by telling them that all the youngsters in the Nation are being turned into little monsters by the comic-book industry, which I think is a lot of rubbish.

Senator KEFAUVER. I think most of us will agree with you that there are dozens and dozens of factors, or contributing factors, in this problem, and the subcommittee has been going into various and sundry ones. I think you will agree it is proper that we do also consider and look at this horror and crime book problem.

Mr. Schultz, how many do you have left in the association?

Mr. SCHULTZ. We have about a dozen members, as I said, of which only three are publishers.

Senator KEFAUVER. On this code here, you have Premium Service Co., Inc. Is that still a member?

Mr. SCHULTZ. I don't recognize that name. It is not a member.

Senator KEFAUVER. Famous Funnies?

Mr. SCHULTZ. Famous Funnies which was the publishers of the first comic book that ever appeared, they are still members.

Senator KEFAUVER. Hillman Periodicals, Inc.?

Mr. SCHULTZ. They are not.

Senator KEFAUVER. Parents' Institute, Inc.?

Mr. SCHULTZ. They went out of business entirely.

Senator KEFAUVER. Gleason Publications, Inc.?

Mr. SCHULTZ. Is still a member.

Senator KEFAUVER. McCombs Publications, Inc.?

Mr. SCHULTZ. They went out of business.

Senator KEFAUVER. Golden Willow Press?

Mr. SCHULTZ. They are not.

Senator KEFAUVER. Did they leave the association?

Mr. SCHULTZ. I don't remember now, Senator, whether it demised or whether they left.

Senator KEFAUVER. Avon Periodicals, Inc.?

Mr. SCHULTZ. They left.

Senator KEFAUVER. Ace Magazines?

Mr. SCHULTZ. They left.

Senator KEFAUVER. Orbit Publications, Inc.?

Mr. SCHULTZ. They left.

Senator KEFAUVER. They left?

Mr. SCHULTZ. Yes, they left.

Senator KEFAUVER. You seemed to say that with a smile. Does that have any significance?

Mr. SCHULTZ. I don't remember the details of each one of these companies. Each one was an incident around a busy career on this problem, so they bring back all kinds of memories.

Senator KEFAUVER. Superior Comics?

Mr. SCHULTZ. Superior Comics, I believe, gave up business, although I really don't know.

Senator KEFAUVER. Consolidated Magazines, Inc.?

Mr. SCHULTZ. They are no longer members.

Senator KEFAUVER. I do not see Atlas in this group.

Mr. SCHULTZ. Atlas was a more recently formed company since the formulation of that code and Atlas became a member about 2 years ago.

Senator KEFAUVER. Is Atlas still a member?

Mr. SCHULTZ. Yes, they are.

Senator KEFAUVER. Now, Mr. Schultz, actually, in this association, how many employees do you have?

Mr. SCHULTZ. I presume there are now two of us considered employees. We have a man who acts as general secretary and I am general counsel.

Senator KEFAUVER. What is the budget of the association?

Mr. SCHULTZ. We spend about \$15,000 a year.

Senator KEFAUVER. How many members do you have left in it?

Mr. SCHULTZ. About 12.

Senator KEFAUVER. So, that two part-time employees—you as general counsel, and one employee—you make no effort really to look over and see what they are publishing and you have no sanctions, so actually you admit that the association has just about gone out of business?

Mr. SCHULTZ. Yes; we are now merely a reporting agency. We get up that little letter that comes out about once a month in which we collect all the clippings all over the Nation criticizing comics and pass that on to the industry. We call an occasional industry meeting to talk about censorship, some of their problems, taxes, and things of that kind, but to all intents and purposes we are out of business on our major objective, which was self-regulation.

Senator KEFAUVER. As the regulator, or the Landis of the comic-book industry, if you were permitted to be, you certainly would not permit a lot of these things you see here this morning?

Mr. SCHULTZ. I not only wouldn't, but I didn't and unfortunately they have left the association.

Senator KEFAUVER. Refusal to go along with your ideas about it is the reason the association has only a few members left?

Mr. SCHULTZ. That is not entirely true. The reason it has not succeeded, I think, is the failure or refusal of some of the larger and better publishers who, while they themselves do not publish comic books which might be in this category, did not recognize their responsibility to the total industry by staying with the organization in its inception and formulating practices and rules which would have become a bible for the industry.

Senator KEFAUVER. Mr. Schultz, it would seem that in the beginning the publishers had pretty good judgment because this was started back in 1947, just about the time the horror and crime comics got underway; was it not?

Mr. SCHULTZ. I don't believe the horror comics came in, Senator Kefauver, until about 3 or 4 years ago. That is my guess. I don't think the horror comics were at all in the picture; nobody knew anything about them when this code was formulated 7 years ago.

The crime comics were in existence at that time.

Senator KEFAUVER. The code seems to have reference to horror comics at that time. "No sense of sadistic torture should be shown," "and vulgar and obscene language should never be used."

In any event, Mr. Schultz, it would seem to be unfortunate that this effort that started off so good was not carried on.

Mr. SCHULTZ. Yes.

Senator KEFAUVER. Thank you.

The CHAIRMAN. Senator Hennings.

Senator HENNINGS. Thank you, Mr. Chairman.

You have a seal of approval, have you, Mr. Schultz?

Mr. SCHULTZ. We did have. As I explained before, originally the concept was that the seal would only be permitted on publications which had gone through this self-regulatory process. It got to the point where we went out of business on that concept, and now the seal, I presume, means that the person who uses it is a member of the association and is conforming in his judgment to the code which was adopted.

Senator HENNINGS. In other words, he would regulate himself and censor his own material and put the seal on?

Mr. SCHULTZ. That is right.

Senator HENNINGS. Mr. Hannoch, our counsel, has suggested that there is a seal on one of the exhibits.

Mr. BEASER. It is that star, is it not, Mr. Schultz?

Mr. SCHULTZ. Yes.

Mr. HANNOCH. What does it say?

Mr. SCHULTZ. I think it says "Conforms to the comics code."

Senator KEFAUVER. What publication is that?

Mr. SCHULTZ. I never saw that before.

Mr. BEASER. It is one of the Atlas group.

Senator KEFAUVER. I thought you said Atlas was not a member.

Mr. SCHULTZ. I said Atlas became a member 2 years ago.

Senator KEFAUVER. So you did; that is right.

Senator HENNINGS. Is that seal protected by any copyright?

Mr. SCHULTZ. No, and I have found on occasion it has been used improperly and we had to stop it. We had by remonstrance to stop them, by writing a letter and urging them to stop it.

Senator HENNINGS. You have no way of controlling the use of that seal?

Mr. SCHULTZ. I think we might get an injunction.

Senator HENNINGS. You might, but that would be quite a process. You would be unlikely to go through that as you are presently operating.

Mr. SCHULTZ. I would think that if somebody used this seal who was not a member, improperly, that I could easily get authorization from the few diehards who are there to take the necessary action.

Senator HENNINGS. But you have never done so?

Mr. SCHULTZ. Never had to do it.

Senator HENNINGS. Mr. Schultz, I am sure that we are all glad that you made the statement that you did that there has been, and various members of our subcommittee have from time to time in the course of these hearings, suggested our awareness of the fact, that there is no one single factor that is creating what is known as juvenile delinquency in this country.

We have consistently, and I believe conscientiously, tried to avoid giving the impression or seeming to have arrived upon conclusions that would indicate that there is a panacea, there is a cure-all, a golden specific, if you do away with comic books we are not going to have any trouble with young people getting into trouble, or if you stop certain kinds of television programs or movies or even if you clear out all of the substandard dwelling places, or if you have hundreds of psychiatrists where you have one in certain institutions, or in certain agencies, or if you get everybody to go to the YMCA or to join the Boy Scouts or the Girl Scouts, you are not going to have any more trouble.

I think we all have approached our problem here certainly with that basic premise that we do not expect to find that there is one thing or another thing.

Many things are cumulative. Many things are incalculable and imponderable in this subject and I think the more we have seen of this during the past several months when we have been holding our hearings and reading upon the subject, the more we are keenly conscious of the fact that the ramifications and complexities of this are at times seemingly almost insupportable.

But we are still trying and we did not come here in any effort, through sensationalism, by bringing people in to subject them to inquiries, to make it appear that we necessarily believe that this particular phase of activity is or is not hurtful or a contributing factor.

We just do not know. We are trying to learn.

I, for one, appreciate the spirit in which you have come here today.

Mr. SCHULTZ. Thank you, sir.

The CHAIRMAN. Mr. Schultz, the Chair certainly appreciates the spirit of your testimony. You have been very helpful. I think I speak for every member of the subcommittee when I say we are grateful.

Senator KEFAUVER. Mr. Chairman, may I ask one more question?

The CHAIRMAN. Senator Kefauver.

Senator KEFAUVER. Those who carry the seal of the code, do they advertise inside the magazine that they are complying with the code of the Comic Magazine Publishers Association?

Mr. SCHULTZ. I know of no such specific advertisement, other than the impression of the seal itself on the cover.

Senator KEFAUVER. How do people know what that seal means, then?

Mr. SCHULTZ. I really don't know. Most of the publishers who are nonmembers develop seals of their own. You find a whole series of seals which say "Good clean reading," and everything else, so that the seal has lost its imprint and its value in many ways anyhow, except for somebody who takes the trouble to look very closely at that little legend that might have some meaning to it.

Other than that I think it has no value.

Senator KEFAUVER. Thank you very much.

The CHAIRMAN. The subcommittee will stand in recess until 2 o'clock this afternoon.

(Thereupon, at 12:20 p. m., the subcommittee recessed, to reconvene at 2 p. m., same day.)

AFTERNOON SESSION

The subcommittee reconvened at 2 o'clock p. m., upon the expiration of the recess.

The CHAIRMAN. The hearing will be in order.

The first witness this afternoon will be Dr. Frederic Wertham.

Doctor, will you come forward and be sworn, please.

Do you solemnly swear that the testimony you will give this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. WERTHAM. I do.

TESTIMONY OF DR. FREDERIC WERTHAM, PSYCHIATRIST, DIRECTOR, LAFARGUE CLINIC, NEW YORK, N. Y.

The CHAIRMAN. Doctor, do you have a prepared statement?

Dr. WERTHAM. I have a statement of about 20 or 25 minutes.

The CHAIRMAN. All right, Doctor, you proceed in your own manner.

Dr. WERTHAM. Thank you.

The CHAIRMAN. Doctor, do you have copies of your statement?

Dr. WERTHAM. It is not written out. I have a statement of my credentials.

The CHAIRMAN. I wonder if you could not in your own way summarize this for the record. Of course, the whole statement may go in the record in its entirety.

Without objection, that will be so ordered.
(The document referred to is as follows:)

FREDERIC WERTHAM, M. D., NEW YORK, N. Y.

Specializing in neurology and psychiatry since 1922.

Certified as specialist in both neurology and psychiatry by the American Board of Psychiatry and Neurology. Have also served as examiner on the board in brain anatomy and psychiatry.

Director, Lafargue Clinic, New York City.

Consulting psychiatrist, department of hospitals, Queens Medical Center, New York City.

Psychiatric consultant and lecturer, Juvenile Aid Bureau of the New York City Police Department.

Director, Psychiatric Services and Mental Hygiene Clinic, Queens General Hospital, 1939-52.

Consulting psychiatrist, Triboro Hospital, New York City, 1939-52.

Director, Quaker Emergency Service Readjustment Center (functioning under the magistrates court), 1948-51.

Senior psychiatrist, New York City Department of Hospitals, 1932-52.

In 1932 organized and became director of the Psychiatric Clinic of the Court of General Sessions in New York, first clinic of its kind in the United States.

1933-36, assistant to the director of Bellevue Hospital; in charge of prison ward; in charge of children's psychiatric ward; in charge of alcoholic ward.

1936-39, director of the Mental Hygiene Clinic of Bellevue Hospital.

1929-31, fellow of the National Research Council of Washington, D. C., to do research in neuropathology and neuropsychiatry. First psychiatrist ever to receive this fellowship.

1922-29, psychiatrist at Phipps Psychiatric Clinic, Johns Hopkins Hospital and Johns Hopkins University.

1926-28, chief resident psychiatrist, Johns Hopkins Hospital.

1926-29, assistant in charge of the Mental Hygiene Clinic, Johns Hopkins Hospital.

Taught psychiatry, psychotherapy, and brain anatomy at Johns Hopkins Medical School.

Postgraduate studies in London, Vienna, Paris, and Munich. Invited to read scientific papers at the Medical-Psychological Society of Paris and the Research Institute of Psychiatry in Munich.

President of the Association for the Advancement of Psychotherapy, 1943-51; coeditor of the American Journal of Psychotherapy.

Member of the Committee on Ethics of the American Academy of Neurology.

Lectured at Yale Law School, New York University Law School, Massachusetts Institute of Technology, on psychiatry, criminology, and related subjects.

Reviewed books for law reviews of New York University, Buffalo Law School, Northwestern Law School, etc.

Psychiatric consultant to the Chief Censor of the United States Treasury Department.

Only psychiatrist ever employed by the city of New York who is a member of all three national neuropsychiatric associations: American Neurological Association, American Psychiatric Association, American Association of Neuropathologists. Fellow of the New York Academy of Medicine, of the American Academy of Neurology, of the American Medical Association, etc.

PUBLICATIONS

The Brain as an Organ (Macmillan, 1934), used in medical schools throughout the world, a textbook of brain pathology.

Dark Legend. A study in murder. New York, 1941, and London, 1948.

The Show of Violence (Doubleday, 1949).

The Catathymic Crisis (1937), description of a new mental disorder now included in the leading textbooks of psychiatry.

Seduction of the Innocent (Rinehart, 1954).

Articles and papers on psychology, psychiatry, neurology, brain anatomy, etc.

Dr. WERTHAM. I have practiced psychiatry and neurology since 1922. I taught psychiatry and brain pathology and worked in clinics at the Johns Hopkins Medical School from 1922 to 1929.

In 1929 I was the first psychiatrist to be awarded a fellowship by the National Research Council to do research on the brain. Some part of my research at that time was on paresis and brain syphilis. It came in good stead when I came to study comic books.

From 1932 to 1952 I was senior psychiatrist at the New York City Department of Hospitals.

I was first in charge of the Psychiatric Clinic of the Court of General Sessions examining convicted felons, making reports to the court.

In 1936 I was appointed director of the Mental Hygiene Clinic in Bellevue.

In 1939 I was appointed director of psychiatric services at the Mental Hygiene Clinic at Queens General Hospital.

In 1946 I organized and started the first psychiatric clinic in Harlem, a volunteer staff. A few years later I organized the Quaker Emergency Mental Hygiene Clinic, which functioned as a clinic for the treatment of sex offenders under the magistrates court of New York.

These are my main qualifications. I have taught psychiatry in Hopkins and New York University.

I have written both books and papers and monographs. I have reviewed psychiatric books for legal journals, like the Buffalo School Journal.

I have lectured at the Yale Law School, at the Massachusetts Institute of Technology, and in other places.

I am a fellow of the New York Academy and a member of the three national neuropsychiatric associations, the American Psychiatric Association and American Neurological Association and American Association of Neuropathologists.

I am testifying at your request on the influence of crime and horror books on juvenile delinquency.

My testimony will be in four parts. First, what is in comic books? How can one classify them clinically?

Secondly, are there any bad effects of comic books?

I may say here on this subject there is practically no controversy. Anybody who has studied them and seen them knows that some of them have bad effects.

The third problem is how farreaching are these bad effects? There is a good deal of controversy about that.

A fourth part is: Is there any remedy?

And being merely a doctor, about that I shall say only a few words.

My opinion is based on clinical investigations which I started in the winter of 1945 and 1946. They were carried out not by me alone, but with the help of a group of associates, psychiatrists, child psychiatrists, psychoanalysts, social workers, psychiatric social workers, remedial reading teachers, probation officers, and others.

In addition to material seen at the clinic both at Queens and Laffarge, we have studied whole school classes, whole classes of remedial reading clinics, over 300 children in a parochial school and private patients and consultations.

To the best of my knowledge our study is the first and only individual large-scale study on the subject of comic books in general.

The methods that we have used are the ordinary methods used in psychiatry, clinical interviews, group interviews, intelligence tests, reading tests, projective tests, drawings, the study of dreams, and so on.

This study was not subsidized by anybody. None of my associates got any money, ever. I myself have never spoken on the subject of comic books and accepted a fee for that.

This research was a sober, painstaking, laborious clinical study, and in some cases, since it has been going on now for 7 years, we have had a chance to follow for several years.

In addition to that we have read all that we could get hold of that was written in defense of comics, which is almost a more trying task than reading the comic books themselves.

What is in comic books? In the first place, we have completely restricted ourselves to comic books themselves. That leaves out newspaper comic strips entirely.

I must say, however, that when some very harmless comic strips for children printed in newspapers are reprinted for children in comic books, you suddenly can find whole pages of gun advertisements which the newspaper editor would not permit to have inserted in the newspaper itself.

There have been, we have found, arbitrary classifications of comic books according to the locale where something takes place.

We have found that these classifications don't work if you want to understand what a child really thinks or does.

We have come to the conclusion that crime comic books are comic books that depict crime and we have found that it makes no difference whether the locale is western, or Superman or space ship or horror, if a girl is raped she is raped whether it is in a space ship or on the prairie.

If a man is killed he is killed whether he comes from Mars or somewhere else, and we have found, therefore, two large groups, the crime comic books and the others.

I would like to illustrate my remarks by western comic books by giving you an example. This is from an ordinary western comic book. You might call it the wide open spaces.

This is from an ordinary western comic book. You see this man hitting this girl with a gun. It is a sadistic, criminal, sexual scene.

We have also studied how much time children spend on crime comic books and how much money they spend. I should like to tell you that there are thousands of children who spend about \$60 a year on comic books.

Even poor children. I don't know where they get the money. I have seen children who have spent \$75 a year and more, and I, myself, have observed when we went through these candy stores in different places, not only in New York, how 1 boy in a slum neighborhood, seemingly a poor boy, bought 15 comic books at a time.

Now, people generalize about juvenile delinquency and they have pet theories and they leave out how much time, and, incidentally, how much money children spend on this commodity alone.

Now, as far as the effects on juvenile delinquency are concerned, we distinguish four groups of delinquency:

Delinquencies against property; delinquency associated with violence; offenses connected with sex, and then miscellaneous, consisting of fire setting, drug addiction, and childhood prostitution.

I may say the latter is a very hushed-up subject. I am not referring to what young girls do with young boys, but I am referring to 10-, 11-, 12-, 13-year-old girls prostituting themselves to adults.

Now, nobody versed in any of this type of clinical research would claim that comic books alone are the cause of juvenile delinquency. It is my opinion, without any reasonable doubt, and without any reservation, that comic books are an important contributing factor in many cases of juvenile delinquency.

There arises the question: What kind of child is affected? I say again without any reasonable doubt and based on hundreds and hundreds of cases of all kinds, that it is primarily the normal child.

Mr. Chairman, American children are wonderful children. If we give them a chance they act right. It is senseless to say that all these people who get into some kind of trouble with the law must be abnormal or there must be something very wrong with them.

As a matter of fact, the most morbid children that we have seen are the ones who are less affected by comic books because they are wrapped up in their own phantasies.

Now, the question arises, and we have debated it in our group very often and very long, why does the normal child spend so much time with this smut and trash, we have this baseball game which I would like you to scrutinize in detail.

They play baseball with a deadman's head. Why do they do that?

The CHAIRMAN. Doctor, do you want to put this up here on exhibition and explain it?

Dr. WERTHAM. Yes, sir.

Mr. Chairman, I can't explain for the reason that I can't say all the obscene things that are in this picture for little boys of 6 and 7. This is a baseball game where they play baseball with a man's head; where the man's intestines are the baselines. All his organs have some part to play.

The torso of this man is the chest protector of one of the players. There is nothing left to anybody's morbid imagination.

Mr. BEASER. That is from a comic book?

Dr. WERTHAM. That is from a comic book.

I will be glad to give you the reference later on. It is a relatively recent one.

Senator HENNINGS. Mr. Chairman, may I ask the doctor a question at that point?

The CHAIRMAN. The Senator from Missouri.

Senator HENNINGS. Doctor, I think from what you have said so far in terms of the value and effectiveness of the artists who portray these things, that it might be suggested implicitly that anybody who can draw that sort of thing would have to have some very singular or peculiar abnormality or twist in his mind, or am I wrong in that?

Dr. WERTHAM. Senator, if I may go ahead in my statement, I would like to tell you that this assumption is one that we had made in the beginning and we have found it to be wrong. We have found that this enormous industry with its enormous profits has a lot of people to whom it pays money and these people have to make these drawings:

or else, just like the crime comic book writers have to write the stories they write, or else. There are many decent people among them.

Let me tell you among the writers and among the cartoonists—they don't love me, but I know that many of them are decent people and they would much rather do something else than do what they are doing.

Have I answered your question?

Senator HENNINGS. Yes, thank you.

Dr. WERTHAM. Now, we ask the question: Why does the normal child do that? I would say that psychology knows the answer to that.

If you consult, as we have done, the first modern scientific psychologist who lived a long time ago, you will find the answer. That psychologist was St. Augustine. This was long before the comic book era, of course, but he describes in detail how when he was a very, very young man he was in Rome and he saw these very bloody, sadistic spectacles all around him, where the gladiators fought each other with swords and daggers, and he didn't like it. He didn't want any part of it.

But there was so much going on and his friends went and finally he went and he noticed, as he expresses it, that he became unconsciously delighted with it and he kept on going.

In other words, he was tempted, he was seduced by this mass appeal, and he went.

I think it is exactly the same thing, if the children see these kinds of things over and over again, they can't go to a dentist, they can't go to a clinic, they can't go to a ward in a hospital, everywhere they see this where women are beaten up, where people are shot and killed, and finally they become, as St. Augustine said, unconsciously delighted.

I don't blame them. I try to defend them or I try to understand them.

Now, it is said also in connection with this question of who reads comic books and who is affected by them, it is said that children from secure homes are not affected.

Mr. Chairman, as long as the crime comic books industry exists in its present forms there are no secure homes. You cannot resist infantile paralysis in your own home alone. Must you not take into account the neighbor's children?

I might give one more example of the brutality in comic books. This is a girl and they are about to rip out her tongue. Now, the effect of comic books operates along four lines. While in our studies we had no arbitrary age limit, I am mostly interested in the under 16 and the first effect that is very early manifested is an effect in general on the ways of living with people.

That is to say, on theoretical development. One of the outstanding things there is in crime comic books—let me say here subject to later questions that in my opinion crime comic books as I define them, are the overwhelming majority of all comic books at the present time. There is an endless stream of brutality.

I would take up all your time if I would tell you all the brutal things. I would like to draw your attention to one which seems to be specific almost with this literature that I have never found anywhere else, that is injuring people's eyes.

In other words, this is something now which juvenile delinquents did which I never heard of years ago. They shoot people in the eye and they throw stones and so on.

As an example, I would give you a book which nobody would testify is a crime comic book if you had not read it. You all know the novels of Tarzan which you all saw in the movies, but the comic book Tarzan which any mother would let come into her home has a story which a little boy brought me in which 22 people are blinded.

One of the 22 is a beautiful girl. They are all white people who are blinded and the man who does it is a Negro, so in addition to that it causes a great deal of race hatred.

How old are the children to whom such things are given? Dell Publishing Co., which publishes this book, boasts that this story is being read aloud to a little girl who—she is 2 years old—now, of course, many other crime comic books have this injury to the eye motive.

In other words, I think that comic books primarily, and that is the greatest harm they do, cause a great deal of ethical confusion.

I would like to give you a very brief example. There is a school in a town in New York State where there has been a great deal of stealing. Some time ago some boys attacked another boy and they twisted his arm so viciously that it broke in two places, and, just like in a comic book, the bone came through the skin.

In the same school about 10 days later 7 boys pounced on another boy and pushed his head against the concrete so that the boy was unconscious and had to be taken to the hospital. He had a concussion of the brain.

In this same high school in 1 year 26 girls became pregnant. The score this year, I think, is eight. Maybe it is nine by now.

Now, Mr. Chairman, this is what I call ethical and moral confusion. I don't think that any of these boys or girls individually vary very much. It cannot be explained individually, alone.

Here is a general moral confusion and I think that these girls were seduced mentally long before they were seduced physically, and, of course, all those people there are very, very great—not all of them, but most of them, are very great comic book readers, have been and are.

As a remedy they have suggested a formal course of sex instruction in this school.

The CHAIRMAN. What is the population of this community, Doctor?

Dr. WERTHAM. I don't know the population of the community. I know the population of the school, which is about 1,800. The town itself I don't know, but I shall give it to counsel.

The CHAIRMAN. The Senator from Tennessee.

Senator KEFAUVER. Is there something confidential about the name of the town?

Dr. WERTHAM. Yes. Publicly I don't like to give it, but I have knowledge of it, but I will give it to counsel for the information of the committee.

The CHAIRMAN. That will be in order.

Dr. WERTHAM. Now, they tried to start a course of sex instruction in this school. They have not done it. They have not started it. I wonder what they are going to do. Are the teachers going to instruct the pupils, or are the pupils going to instruct the teachers?

One reason I don't want to mention this town is because the same kind of thing happens in many other places nowadays. Maybe not quite so much, maybe a little more.

Many of these things happen and it is my belief that the comic book industry has a great deal to do with it. While I don't say it is the only factor at all, it may not be the most important one, it is one contributing factor.

I would like to point out to you one other crime comic book which we have found to be particularly injurious to the ethical development of children and those are the Superman comic books. They arose in children phantasies of sadistic joy in seeing other people punished over and over again while you yourself remain immune. We have called it the Superman complex.

In these comic books the crime is always real and the Superman's triumph over good is unreal. Moreover, these books like any other, teach complete contempt of the police.

For instance, they show you pictures where some preacher takes two policemen and bang their heads together or to quote from all these comic books—you know, you can call a policeman cop and he won't mind, but if you call him copper that is a derogatory term and these boys we teach them to call policemen coppers.

All this to my mind has an effect, but it has a further effect and that was very well expressed by one of my research associates who was a teacher and studied the subject and she said, "Formerly the child wanted to be like daddy or mommy. Now they skip you, they bypass you. They want to be like Superman, not like the hard working, prosaic father and mother."

Talking further about the ethical effects of comic books, you can read and see over and over again the remark that in crime comic books good wins over evil, that law and order always prevails.

We have been astonished to find that this remark is repeated and repeated, not only by the comic books industry itself, but by educators, columnists, critics, doctors, clergymen. Many of them believe it is so.

Mr. Chairman, it is not. In many comic books the whole point is that evil triumphs; that you can commit a perfect crime. I can give you so many examples that I would take all your time.

I will give you only one or two. Here is a little 10-year-old girl who killed her father, brought it about that her mother was electrocuted. She winks at you because she is triumphant.

I have stories where a man spies on his wife and in the last picture you see him when he pours the poison in the sink, very proud because he succeeded.

There are stories where the police captain kills his wife and has an innocent man tortured into confessing in a police station and again is triumphant in the end.

I want to make it particularly clear that there are whole comic books in which every single story ends with the triumph of evil, with a perfect crime unpunished and actually glorified.

In connection with the ethical confusion that these crime comic books cause, I would like to show you this picture which has the comic book philosophy in the slogan at the beginning, "Friendship is for Suckers! Loyalty—that is for Jerks."

The second avenue along which comic books contribute to delinquency is by teaching the technique and by the advertisements for

weapons. If it were my task, Mr. Chairman, to teach children delinquency, to tell them how to rape and seduce girls, how to hurt people, how to break into stores, how to cheat, how to forge, how to do any known crime, if it were my task to teach that, I would have to enlist the crime comic book industry.

Formerly to impair the morals of a minor was a punishable offense. It has now become a mass industry. I will say that every crime of delinquency is described in detail and that if you teach somebody the technique of something you, of course, seduce him into it.

Nobody would believe that you teach a boy homosexuality without introducing him to it. The same thing with crime.

For instance, I had no idea how one would go about stealing from a locker in Grand Central, but I have comic books which describe that in minute detail and I could go out now and do it.

Now, children who read that, it is just human, are, of course, tempted to do it and they have done it. You see, there is an interaction between the stories and the advertisements. Many, many comic books have advertisements of all kinds of weapons, really dangerous ones, like .22 caliber rifles or throwing knives, throwing daggers; and if a boy, for instance, in a comic book sees a girl like this being whipped and the man who does it looks very satisfied and on the last page there is an advertisement of a whip with a hard handle, surely the maximum of temptation is given to this boy, at least to have fantasies about these things.

It is my conviction that if these comic books go to as many millions of children as they go to, that among all these people who have these fantasies, there are some of them who carry that out in action.

Mr. BEASER. Doctor, may I interrupt you just a moment to go back to your Grand Central story?

Assume that is read by an otherwise healthy, normal child, with a good homelife, no other factors involved—would you say that that would tempt him to go and break into a locker in Grand Central, or must there be other factors present already to give him a predisposition to steal from somebody else?

Dr. WERTHAM. I would answer that this way: I know of no more erroneous theory about child behavior than to assume that children must be predisposed to do anything wrong. I think there is a hair-line which separates a boy who dreams about that, dreams about such a thing, and the boy who does it.

Now, I don't say, and I have never said, and I don't believe it, that the comic-book factor alone makes a child do anything.

You see, the comic-book factor only works because there are many, many other factors in our environment, not necessarily the homelife, not necessarily the much-blamed mother, but there are many other things; the other boys in school, the newspaper headlines where everybody accuses the other one of being a liar or thief.

There are many, many other factors in our lives, you see.

Now, actually, the answer should be put in this way: In most cases this factor works with other factors, but there are many cases that I know where such crimes have been committed purely as imitation and would have never been committed if the child hadn't known this technique.

In other words, I want to stress for you what we have found, that the temptation, and, of course, we know it from our ordinary lives—

that temptation and seduction is an enormous factor. We don't have to be materially bad to do something bad occasionally, and, moreover, these children who commit such a delinquency, they don't do that because they are bad. They don't even necessarily do it to get the money or to get even, but it is a glorious deed.

You go there, you show how big you are. You are almost as big as these people you read about in crime comic books.

You see, the corruption of the average normal child has gone so far that except for those who follow this it is almost unbelievable to realize.

I would like to give you one more example. This is one I would like you to keep in mind, that the minimum edition of such a book, I think, is 300,000; probably this is distributed in a 650,000 edition.

Senator KEFAUVER. I did not understand.

Dr. WERTHAM. The minimum is 300,000.

Senator KEFAUVER. Is that a month?

Dr. WERTHAM. This is only one comic book. In order to make any kind of profit the publisher must print about 300,000 copies.

In other words, when you see a comic book you can always assume that more than 300,000 copies of this particular comic book have been printed.

In other words, you would not go far wrong if you assumed that this comic book is read by half a million children, for this reason, that when they are through with it and have read it, they sell it for 6 cents and 5 cents and then sell it for 4 cents and 2 cents.

Then you can still trade it.

So these comic books have a long, long life. We have studied this market. We know there is a great deal of this trading going on all over.

Now, this is a heroine. This is a woman who kills a man. You see, he has blood coming all over the man's face and she says, "I want you to suffer more and more and more and more."

Then the final triumph, she takes this man's organs and serves them up as dishes like a housewife and you see her "famous fried brains, famous baked kidneys, famous stuffed heart."

Next to that is the remainder of this man.

All I say is that quite apart from the disgust that it arouses in us—and I am a doctor, I can't permit myself the luxury of being disgusted—I think this kind of thing that children see over and over again causes this ethical confusion.

Senator KEFAUVER. That seems to be the end of that comic book story.

Dr. WERTHAM. Yes. I should add that it says here, "The End." "The End" is this glorious meal, cannibalism.

Senator KEFAUVER. So it did not have a very happy ending.

Dr. WERTHAM. Well, the comic book publishers seem to think it did. They made a lot of money.

Mr. Chairman, we have delinquency of the smallest kind. I have seen children who have stolen a quarter. I have seen children who stole \$30,000. And they have to know some technique; they have to, for that.

But there are other crimes which you can commit in which you can take the ordinary kind of violence, for instance, there is an awful lot

of shooting, knifing, throwing rocks, bombs, and all that, in combination.

On the Long Island Railroad at present I think three times a day children throw rocks through the windows.

Recently an innocent man was hit in the head and had a concussion of the brain and had to be taken to a hospital.

I have been for 12 years in Queens. I know these kids. I have seen quite a number of them who threw rocks. I can't see why we have to invoke highfaluting psychological theories and why we say these people have to have a mother who doesn't give them enough affection.

If they read this stuff all the time, some of them 2 and 3 hours a day reading, I don't think it is such an extraordinary event if they throw a stone somewhere where it may do some harm.

I want to add to this that my theory of temptation and seduction as I told you, is very, very vague. That is known to the comic-book publishers, too. They don't admit it when it comes to delinquency, but when it comes to selling stuff to children through the advertisements in comic books, then they have these enormous advertisements. This is from the Superman comic book. It says, "It is easier to put a yen in a youngster."

You see, I am still answering your question. It is easier to put a yen in a youngster when he comes from a normal thing. It is easier to go and commit some kind of delinquency.

Certainly it is easier to commit some kind of sexual delinquency.

Now, this leads me to the third avenue where they do harm. That is, they do harm by discouraging children. Mr. Chairman, many of these comic books, crime-comic books, and many of the other ones have ads which discourage children and give them all kinds of inferiority feelings. They are threatened with pimples. They worry the pre-adolescent kids about their breaths. They sell them all kinds of medicines and gadgets and even comic books like this one, and I am very conscious of my oath, even comic books like this have fraudulent advertisements, and I am speaking now as a medical physician. The children spend a lot of money and they get very discouraged, they think they are too big, too little, or too heavy. They think this bump is too big, or too little.

These discouraged children are very apt to commit delinquency as we know and have known for a long time.

Now, the fourth avenue I shall not go into in detail because that includes not only the crime-comic books, but that includes all comic books.

We have found—and in response to questions I will be glad to go into that—we have found all comic books have a very bad effect on teaching the youngest children the proper reading technique, to learn to read from left to right. This balloon print pattern prevents that. So many children, we say they read comic books, they don't read comic books at all. They look at pictures and every once in a while, as one boy expressed it to me, "When they get the woman or kill the man then I try to read a few words," but in any of these stories you don't have to have any words.

There is no doubt this is blood and this man is being killed. There is no doubt what they are going to do to this girl, you know, too.

In other words, the reading is very much interfered with.

The CHAIRMAN. Doctor, the original of all of those are in color?

Dr. WERTHAM. Yes, these are photostats I had made for your benefit.

Now, it is a known fact, although it is not sufficiently emphasized, that many delinquents have reading disorders, they can't read well. There have been estimates as to how many delinquents have reading disorders.

We have found over and over again that children who can't read are very discouraged and more apt to commit a delinquency and that is what Mr. Beaser meant, if there is another factor.

There is another factor.

Mr. BEASER. Many other factors.

Dr. WERTHAM. Yes, many other factors. We have isolated comic books as one factor. A doctor tries to isolate one factor and see what it does and tries to correlate it with other factors which either counteract it or help it or run parallel.

Now, Mr. Chairman, I have put the results of this investigation into several documents. One of them is an article in the Ladies Home Journal which gives a number of cases.

Another one is an article in the Reader's Digest which came out today.

The third one is a book.

I would like, Mr. Chairman, to draw your attention to the illustrations, but I would like to say that I am perfectly willing inasmuch as I have written this book with the greatest scientific care and checked and rechecked, and I am perfectly willing to repeat every word in there under oath.

The CHAIRMAN. Doctor, these documents will be made a part of the subcommittee's permanent file, without objection. Let that be exhibits Nos. 10a, 10b, and 10c.

(The documents referred to were marked "Exhibits Nos. 10a, 10b, and 10c," and are on file with the subcommittee.)

Dr. WERTHAM. Mr. Chairman, I would like to point out to you in conclusion that mine, in my own opinion, is not a minority report. I don't feel that way.

I would like to tell you that the highest psychiatric official in the Federal Government, who is also consulted when psychiatric problems come up in the Federal Government, Dr. Winfred Overholser, the Superintendent of Saint Elizabeths, has written that the evidence in my book is incontrovertible evidence of the pernicious influences on youth of crime comic books.

Prof. C. Wright Milt, a famous sociologist, a professor at Columbia, similarly agreed.

I would like to read you a word from the director of the juvenile delinquency project of the Children's Bureau in Washington, who has written:

In comic books we have a constant stream of garbage that cannot fail to pollute the minds of readers. After reading Dr. Wertham's book I visited my local newsstand and found the situation to be exactly as he reported it.

Senator KEFAUVER. Who is it that wrote that?

Dr. WERTHAM. Mr. Bertram M. Peck, the director of the current juvenile delinquency project in Washington.

The CHAIRMAN. He was before the subcommittee earlier in the hearings.

Dr. WERTHAM. Now, there are quite a number of other people who feel the same way. I would like to quote to you what the Minister of Justice of Canada said. In the beginning of this month they had two long sessions in the House of Commons, devoted almost entirely to my report on comic books and the Minister of Justice said:

I doubt if there is a single member of the House of Commons who dissents from disapproval of crime comic books.

In Canada, of course, they have the same situation. They get American comic books, not only directly, but they get them in plates. They can't help themselves.

Senator KEFAUVER. Dr. Wertham, while you are on the Canadian matter, Canada, of course, has a law, which was probably passed largely on the testimony you gave the House of Commons in Canada, which bans the shipment of certain horror and crime books.

What has been their experience with the reflection, or the result of that law upon juvenile delinquency? When was the law passed first?

Dr. WERTHAM. I am not quite sure. Maybe 1951. The information I have is based on the present official report of these debates on April 1 and 2. I judge from that that the law didn't work; that they made a list of crime comic books and they didn't know how to supervise it, in fact, they couldn't, and I doubt it can be done in that form.

They have more bad crime-comic books than they ever had. They never could get them off the stand.

The latest proposal on the 2d of April that I have is that they want to put the crime comic-book publishers in jail, but they can't do that, for one thing—we have them.

I don't think that would work. So that experiment is not yet completely evaluated. All I know is that they are very much worried about the effect of comic books on delinquency, that they have not been able by this one amendment to the criminal code to curb this situation.

Stating that mine is not a minority report, Mr. Chairman, I would like to quote one more critic, Mr. Clifton Fadiman, who says that he senses the truth in my presentation as he sensed the truth in Uncle Tom's Cabin.

I don't know the man personally.

Now, what about the remedy? Mr. Chairman, I am just a doctor. I can't tell what the remedy is. I can only say that in my opinion this is a public-health problem. I think it ought to be possible to determine once and for all what is in these comic books and I think it ought to be possible to keep the children under 15 from seeing them displayed to them and preventing these being sold directly to children.

In other words, I think something should be done to see that the children can't get them. You see, if a father wants to go to a store and says, "I have a little boy of seven. He doesn't know how to rape a girl; he doesn't know how to rob a store. Please sell me one of the comic books," let the man sell him one, but I don't think the boy should be able to go see this rape on the cover and buy the comic book.

I think from the public-health point of view something might be done.

Now, Mr. Chairman, in conclusion, if I may speak in seriousness about one suggestion that I have, I detest censorship. I have appeared

in very unpopular cases in court defending such novelties as the *Guilded Hearse*, and so on, as I believe adults should be allowed to write for adults. I believe that what is necessary for children is supervision.

But I would like to suggest to the committee a simple scientific experiment, if I may, in great brevity.

I am not advocating censorship, but it is the comic-book industry which at the present moment tries to censor what the parents read. This enormous industry at present exercises a censorship through power. Ever since I have expressed any opinion about comic books based on simple research done in basements on poor children whose mothers cried their eyes out, ever since then I have been told by threats, by libel suits, of damages; it is a miracle that my book was published considering how many threatening letters these lawyers and people have written to my prospective publishers. They have even threatened with a libel suit the *Saturday Evening Post* and even the *National Parent Teachers*, which is a nonprofit magazine.

Senator KEFAUVER. While you are on that subject, Dr. Wertham, may I see that thing, anybody who opposes comic books is a Red?

Dr. WERTHAM. Yes; that is part of it.

Senator KEFAUVER. I have read a number of your writings. I have read your *Seduction of the Innocent*. You remember a number of years ago I had several visits with you and you told me about the pressure they tried to apply on you in connection with this.

But I noticed here this thing, that anyone who opposes comic books are Communists. "The group most anxious to destroy comics are the Communists."

Then they have here the statement:

This article also quoted Gershon Legman (who claims to be a ghost writer for Dr. Frederick Wertham, the author of a recent smear against comics published in the *Ladies Home Journal*). This same G. Legman, in issue No. 2 of *Neurotica*, published in autumn 1948, wildly condemned comics, although admitting that "The child's natural character must be distorted to fit civilization * * *. Fantasy violence will paralyze his resistance, divert his aggression to unreal enemies and frustrations, and in this way prevent him from rebelling against parents and teachers * * * this will siphon off his resistance against society, and prevent revolution."

This seems to be an effort to tie you up in some way as Red or Communist. Is that part of a smear?

Dr. WERTHAM. This is from comic books. I have really paid no attention to this. I can tell you that I am not a ghost writer. Like this gentleman who criticized it severely, they know I don't have a ghost writer.

Gershon Legman is a man who studied comic books. He is a man who tried to do something against comic books, so they tried to do something about him.

That is just one of the ordinary kinds of things. But, Mr. Chairman, they do something quite different which is much more serious. The comic-book industry at the present moment—and this is the experiment I would like to suggest to you—the comic-book industry at the present moment interferes with the freedom of publications in all fields. They have their hands on magazines, they have their hands on newspapers, they threaten the advertisers; they continually threaten libel suits and action for damages.

The experiment I suggest to you is the following: My book has been selected, *Seduction of the Innocent*, which is nothing but a scientific report on comic books in that I tried to make in understandable language, that is what it is except that it includes areas other than juvenile delinquency.

This group was selected by a group of men of unimpeachable integrity, Christopher Morley, Clifton Fadiman, Loveman, Dorothy Canfield Fisher, John P. Marquand; they selected this book on account of its truth, and I suppose its writing, and it has been announced all over the country that it is a Book of the Month Club selection.

The contracts have been signed. The question I would like to put to you is this: Will this book be distributed or will the sinister hand of these corrupters of children, of this comic-book industry, will they prevent distribution? You can very easily find that out and then you can see how difficult it is for parents to defend their children against comic books if they are not allowed to read what they contain.

Thank you.

The CHAIRMAN. Senator Kefauver, do you have any questions?

Senator KEFAUVER. Yes, I have one or two, Mr. Chairman.

Dr. Wertham, I assume more than any other psychiatrist in the United States—perhaps I should not be asking this—but you, over a long period of time, have interviewed children, you worked in hospitals, clinics, and schools, observing the reaction to crime and horror comic books.

Could you give us any estimate of how many children this study has been made from—from which you derive your conclusions?

Dr. WERTHAM. Yes. I figured out at one time that there were more than 500 children a year come to my attention, or did come to my attention during the bulk of this investigation.

Now, I cannot say, however, that every one of these children had as complete a study as I think they should have. I mean, some of them I saw a few times; some have all kinds of tests, good social services; some had been before the court; some I saw privately and considered in great detail, but by and large I would say that we have seen hundreds and hundreds of children.

Senator KEFAUVER. Any way it runs into many thousands?

Dr. WERTHAM. Some thousands. I would not say many thousands.

Senator KEFAUVER. You have actually asked and tried to develop from many of these children how it was they happened to try to commit, or how it was they happened to commit this, that, or the other crime; is that correct?

Dr. WERTHAM. Senator, that is not exactly correct. For instance, if I have a child sent to me—I remember the commissioner of the juvenile aid bureau of the police once came to visit me to see how I examined a child because he had a good report of my clinic in Queens. This was a child who had committed some delinquency. I spent an hour talking to this child. I didn't even mention the delinquency. I didn't say a word about it.

The commissioner asked me afterwards, "Why didn't you mention it?"

I said, "I don't want to put him on his guard. I don't want to tempt him to lie to me. I want to understand this child. I want to understand the whole setting."

The judgment that these comic books have an effect on children, that is not the children's judgment. They don't think that. The children don't say that this does them any harm, and that is an interesting thing because it has been so misrepresented by the comic-book industry and their spokesmen in all the biased opinions that they peddle and that they hand out to unsuspecting newspaper editors.

They say I asked the child, "Did you do that because you read a comic book?"

I don't ask the child "Why do you have the measles?", or "Why do you have a fever?" No child has ever said to me this excuse, "I did this because I read it in the comic book. I figured that out."

The children don't say that. Many of these children read the comic books and they like it and they are already so corrupt that they really get a thrill out of it and it is very difficult.

What you can get out of them is this, "For me, this does not do any harm to me, but my little brother, he really should not read it. He gets nightmares or he gets wrong ideas."

The actual proof that a child can say, "I did this because of so and so," that is not at all how my investigation worked.

Senator KEFAUVER. I do remember you showed me one example of a horror book with a child with a hypodermic needle and you related that to some crime that you had known something about.

Dr. WERTHAM. I have known children, in fact, if I may say, Your Honor, I notice in the room the reporter who brought to my attention one of the earliest cases of children—may I say who it is—Judith Crist, who works for the New York Herald Tribune. She brought to my attention a case in Long Island where children stuck pins in girls or something. I told her then that I have found where they stuck pins in much worse places than the arm.

I told her of the injury to the eyes. You can very rarely say that the boys said exactly, "That is what I did because this is what I wanted to do."

I have had children who told me they committed robberies. They followed the comic book, but they said, "That is not good enough, the comic books say you go through the transom."

"But," they said, "you go through the side door."

Children nowadays draw maps and say, "This is the street where the store is we are going to rob; this is where we are going to hide and this is how we are going to get away."

That is in many comic books, and they show me in comic books that is how they are going to do it.

I would not say in such a case this is the only reason why this child committed delinquency, but I will say that is a contributing factor because if you don't know the method you can't execute the act and the method itself is so intriguing and so interesting that the children are very apt to commit it.

Senator KEFAUVER. In some of the comic books the villain made one mistake, he almost committed the perfect crime, but he made one mistake and he got caught. We found some cases where they are trying to eliminate the one mistake so that they can make the perfect crime.

Dr. WERTHAM. That is absolutely correct. That is the whole philosophy of comic books. The point is don't make any mistakes. Don't

leave the map there. Don't break the light aloud, put a towel over it.

Senator KEFAUVER. Would you liken this situation you talk about, showing the same thing over and over again until they finally believed it, to what we heard about during the last war of Hitler's theory of telling the story over and over again?

The CHAIRMAN. The "big lie" technique?

Dr. WERTHAM. Well, I hate to say that, Senator, but I think Hitler was a beginner compared to the comic-book industry. They get the children much younger. They teach them race hatred at the age of 4 before they can read.

Let me give you an example of a comic book which I think is on the stand right now. It may have disappeared the last few days.

You know at the present moment New York City and other cities have a great social problem in integrating immigrating Puerto Ricans. It is very important to establish peace in these neighborhoods where friction may arise, or has arisen.

This particular comic book that I am referring to now has a story in which a derogatory term for Puerto Ricans, which I will not repeat here, but which is a common derogatory term, is repeated 12 times in one story. This greasy so and so, this dirty so and so. It is pointed out that a Spanish Catholic family moved into this neighborhood—utterly unnecessary.

What is the point of the story? The point of the story is that then somebody gets beaten to death. The only error is that the man who must get beaten to death is not a man; it is a girl.

Senator KEFAUVER. I think we ought to know the name of the comic book.

Dr. WERTHAM. I shall be glad to give it to your counsel.

Senator KEFAUVER. Can you tell us?

Dr. WERTHAM. I don't have it in my head.

Senator KEFAUVER. I am not sure that Dr. Wertham is one who could tell about this, but I have heard it told that some people feel that comic books are harmless and respectable and don't pay much attention to them because they are certified to, and in some cases even recommended by high-sounding committees, with, of course, good names on the committees who give them an excellent bill of health.

Did you not make some investigation into whether or not a great many of the people on these so-called nonpartisan committees were actually in the pay of the comic book industry itself?

Dr. WERTHAM. Senator, I would have to mention individuals but I think it is to be assumed, and I suppose one knows that people whose names are on these comic books are paid—there are people who say, "Well, they are paid, they are biased."

I have a hard time understanding how any doctor or child expert or psychologist can put his name to that. That is not the important point, because the names usually are not known anyway.

What happens is that in Kalamazoo, or in North Dakota, or in the little village in Pennsylvania where I spend part of my time, they read the names of these institutions which sound very well, the so and so association, or so and so university. That is what influences the people.

Of course, these same people write articles which I have tried very hard to take at their face value. But when I found that they have mis-

statements, when they say articles sent out by one of the associations, the person who writes it and endorses these books for money, when they write a survey of all the comic books, you see all kinds of little ones, nothing of the real ones, it misleads the people.

But I think that is not as important a problem, Senator, as the problem right now that the industry itself is preventing the mothers of this country from having not only me, but anybody else make any criticism.

This tremendous power is exercised by this group which consists of three parts, the comic book publishers, the printers, and last and not least, the big distributors who force these little vendors to sell these comic books. They force them because if they don't do that they don't get the other things.

Mr. HANNOCH. How do you know that?

Dr. WERTHAM. I know that from many sources. You see, I read comic books and I buy them and I go to candy stores.

They said, "You read so many comic books." I talk to them and ask them who buys them. I say to a man, "Why do you sell this kind of stuff?"

He says, "What do you expect me to do? Not sell it?"

He says, "I will tell you something. I tried that one time."

The man says, "Look, I did that once. The newsdealer, whoever it is, says, 'You have to do it'."

"I said, 'I don't want to.'"

"Well", he says, "you can't have the other magazine'."

So the man said, "Well, all right, we will let it go."

So when the next week came, all the other magazines were late. You see, he didn't give them the magazines. So he was later than all his competitors, he had to take comic books back.

I also know it another way. There are some people who think I have some influence in this matter. I have very little. Comic books are much worse now than when I started. I have a petition from newsdealers that appealed to me to help them so they don't have to sell these comic books.

What they expect me to do, I don't know. Of course, it is known to many other people. It also happens in Canada.

I know it for more reasons. I don't want to mention journalists, but I can tell you of big national magazines, the editors of which would very much like to push this question of comic book problems. They can't do that because they are themselves being distributed by very big distributors who also do comic books, and then they suffer through loss of advertising.

That is why I gave you one example of the Book of the Month Club because I think that could nail it down once and for all, what these people do deliberately.

The CHAIRMAN. Senator Hennings, have you any questions?

Senator HENNINGS. Thank you, Mr. Chairman. I have no questions.

The CHAIRMAN. Mr. Hannoch, do you have any questions you want to ask?

Mr. HANNOCH. No questions.

Senator HENNINGS. I must say that I have the doctor's book, and I am reading it with great interest.

The CHAIRMAN. Doctor, we are very grateful to you for appearing here this afternoon.

Dr. WERTHAM. Thank you.

Mr. BEASER. William Gaines.

The CHAIRMAN. Will you come forward, Mr. Gaines?

Will you be sworn?

Do you solemnly swear that the testimony you will give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GAINES. I do.

TESTIMONY OF WILLIAM M. GAINES, PUBLISHER, ENTERTAINING COMICS GROUP, NEW YORK, N. Y.

The CHAIRMAN. You may proceed in your own manner.

Mr. GAINES. Gentlemen, I would like to make a short statement. I am here as an individual publisher.

Mr. HANNOCH. Will you give your name and address, for the record?

Mr. GAINES. My name is William Gaines. My business address is 225 Lafayette Street, New York City. I am a publisher of the Entertaining Comics Group.

I am a graduate of the school of education of New York University. I have the qualifications to teach in secondary schools, high schools.

What then am I doing before this committee? I am a comic-book publisher. My group is known as EC, Entertaining Comics.

I am here as a voluntary witness. I asked for and was given this chance to be heard.

Two decades ago my late father was instrumental in starting the comic magazine industry. He edited the first few issues of the first modern comic magazine, Famous Funnies. My father was proud of the industry he helped found. He was bringing enjoyment to millions of people.

The heritage he left is the vast comic-book industry which employs thousands of writers, artists, engravers, and printers.

It has weaned hundreds of thousands of children from pictures to the printed word. It has stirred their imagination, given them an outlet for their problems and frustrations, but most important, given them millions of hours of entertainment.

My father before me was proud of the comics he published. My father saw in the comic book a vast field of visual education. He was a pioneer.

Sometimes he was ahead of his time. He published Picture Stories from Science, Picture Stories from World History, and Picture Stories from American History.

He published Picture Stories from the Bible.

I would like to offer these in evidence.

The CHAIRMAN. They will be received for the subcommittee's permanent files. Let that be exhibit No. 11.

(The documents referred to were marked "Exhibit No. 11," and are on file with the subcommittee.)

Mr. GAINES. Since 1942 we have sold more than 5 million copies of Picture Stories from the Bible, in the United States. It is widely used by churches and schools to make religion more real and vivid.

Picture Stories from the Bible is published throughout the world in dozens of translations. But it is nothing more nor nothing less than a comic magazine.

I publish comic magazines in addition to picture stories from the Bible. For example, I publish horror comics. I was the first publisher in these United States to publish horror comics. I am responsible, I started them.

Some may not like them. That is a matter of personal taste. It would be just as difficult to explain the harmless thrill of a horror story to a Dr. Wertham as it would be to explain the sublimity of love to a frigid old maid.

My father was proud of the comics he published, and I am proud of the comics I publish. We use the best writers, the finest artists; we spare nothing to make each magazine, each story, each page, a work of art.

As evidence of this, I might point out that we have the highest sales in individual distribution. I don't mean highest sales in comparison to comics of another type. I mean highest sales in comparison to other horror comics. The magazine is one of the few remaining—the comic magazine is one of the few remaining pleasures that a person may buy for a dime today. Pleasure is what we sell, entertainment, reading enjoyment. Entertaining reading has never harmed anyone. Men of good will, free men, should be very grateful for one sentence in the statement made by Federal Judge John M. Woolsey when he lifted the ban on Ulysses. Judge Woolsey said:

It is only with the normal person that the law is concerned.

May I repeat, he said, "It is only with the normal person that the law is concerned." Our American children are for the most part normal children. They are bright children, but those who want to prohibit comic magazines seem to see dirty, sneaky, perverted monsters who use the comics as a blueprint for action.

Perverted little monsters are few and far between. They don't read comics. The chances are most of them are in schools for retarded children.

What are we afraid of? Are we afraid of our own children? Do we forget that they are citizens, too, and entitled to select what to read or do? We think our children are so evil, simple minded, that it takes a story of murder to set them to murder, a story of robbery to set them to robbery?

Jimmy Walker once remarked that he never knew a girl to be ruined by a book. Nobody has ever been ruined by a comic.

As has already been pointed out by previous testimony, a little, healthy, normal child has never been made worse for reading comic magazines.

The basic personality of a child is established before he reaches the age of comic-book reading. I don't believe anything that has ever been written can make a child overaggressive or delinquent.

The roots of such characteristics are much deeper. The truth is that delinquency is the product of real environment in which the child lives and not of the fiction he reads.

There are many problems that reach our children today. They are tied up with insecurity. No pill can cure them. No law will legislate them out of being. The problems are economic and social and they are complex.

Our people need understanding; they need to have affection, decent homes, decent food.

Do the comics encourage delinquency? Dr. David Abrahamsen has written:

Comic books do not lead into crime, although they have been widely blamed for it. I find comic books many times helpful for children in that through them they can get rid of many of their aggressions and harmful fantasies. I can never remember having seen one boy or girl who has committed a crime or who became neurotic or psychotic because he or she read comic books.

The CHAIRMAN. Senator Kefauver.

Senator KEFAUVER. Is that Dr. David Abrahamsen?

Mr. GAINES. That is right, sir. I can give you the source on that, if you like. I will give it to you later.

The CHAIRMAN. You can supply that later.

(The source is as follows:)

Abrahamsen, Dr. David, *Who Are the Guilty*, New York: Rinehart & Co., Inc., page 279.

Mr. GAINES. I would like to discuss, if you bear with me a moment more, something which Dr. Wertham provoked me into. Dr. Wertham, I am happy to say, I have just caught in a half-truth, and I am very indignant about it. He said there is a magazine now on the stands preaching racial intolerance. The magazine he is referring to is my magazine. What he said, as much as he said, was true. There do appear in this magazine such materials as "Spik," "Dirty Mexican," but Dr. Wertham did not tell you what the plot of the story was.

This is one of a series of stories designed to show the evils of race prejudice and mob violence, in this case against Mexican Catholics.

Previous stories in this same magazine have dealt with antisemitism, and anti-Negro feelings, evils of dope addiction and development of juvenile delinquents.

This is one of the most brilliantly written stories that I have ever had the pleasure to publish. I was very proud of it, and to find it being used in such a nefarious way made me quite angry.

I am sure Dr. Wertham can read, and he must have read the story, to have counted what he said he counted.

I would like to read one more thing to you.

Senator Hennings asked Dr. Peck a question. I will be perfectly frank with you, I have forgotten what he asked him, but this is the answer because I made a notation as he went along.

No one has to read a comic book to read horror stories.

Anyone, any child, any adult, can find much more extreme descriptions of violence in the daily newspaper. You can find plenty of examples in today's newspaper. In today's edition of the Daily News, which more people will have access to than they will to any comic magazine, there are headline stories like this:

Finds he has killed wife with gun.

Man in Texas woke up to find he had killed his wife with gun. She had bullet in head and he had a revolver in his hand.

The next one:

Cop pleads in cocktail poisoning.

Twenty-year-old youth helps poison the mother and father of a friend.

Court orders young hanging. Man who killed his wife will be hung in June for his almost-perfect murder.

Let us look at today's edition of the Herald Tribune.

On the front page a criminal describes how another criminal told him about a murder he had done. In the same paper the story of a man whose ex-wife beat him on the head with a claw hammer and slashed him with a butcher knife.

In the same paper, story of a lawyer who killed himself.

In another, a story of that man who shot his wife while having a nightmare.

Another, a story of a gang who collected an arsenal of guns and knives. These are very many stories of violence and crime in the Herald Tribune today.

I am not saying it is wrong, but when you attack comics, when you talk about banning them as they do in some cities, you are only a step away from banning crimes in the newspapers.

Here is something interesting which I think most of us don't know. Crime news is being made in some places. The United Nations UNESCO report, which I believe is the only place that it is printed, shows that crime news is not permitted to appear in newspapers in Russia or Communist China, or other Communist-held territories.

We print our crime news. We don't think that the crime news or any news should be banned because it is bad for children.

Once you start to censor you must censor everything. You must censor comic books, radio, television, and newspapers.

Then you must censor what people may say. Then you will have turned this country into Spain or Russia.

Mr. BEASER. Mr. Gaines, let me ask you one thing with reference to Dr. Wertham's testimony.

You used the pages of your comic book to send across a message, in this case it was against racial prejudice; is that it?

Mr. GAINES. That is right.

Mr. BEASER. You think, therefore, you can get across a message to the kids through the medium of your magazine that would lessen racial prejudice; is that it?

Mr. GAINES. By specific effort and spelling it out very carefully so that the point won't be missed by any of the readers, and I regret to admit that it still is missed by some readers, as well as Dr. Wertham—we have, I think, achieved some degree of success in combating anti-Semitism, anti-Negro feeling, and so forth.

Mr. BEASER. Yet why do you say you cannot at the same time and in the same manner use the pages of your magazine to get a message which would affect children adversely, that is, to have an effect upon their doing these deeds of violence or sadism, whatever is depicted?

Mr. GAINES. Because no message is being given to them. In other words, when we write a story with a message, it is deliberately written in such a way that the message, as I say, is spelled out carefully in the captions. The preaching, if you want to call it, is spelled out carefully in the captions, plus the fact that our readers by this time know that in each issue of shock suspense stories, the second of the stories will be this type of story.

Mr. BEASER. A message can be gotten across without spelling out in that detail. For example, take this case that was presented this morning of the child who is in a foster home who became a werewolf, and foster parents——

Mr. GAINES. That was one of our stories.

Mr. BEASER. A child who killed her mother. Do you think that would have any effect at all on a child who is in a foster placement, who is with foster parents, who has fears? Do you not think that child in reading the story would have some of the normal fears which a child has, some of the normal desires tightened, increased?

Mr. GAINES. I honestly can say I don't think so. No message has been spelled out there. We were not trying to prove anything with that story. None of the captions said anything like "If you are unhappy with your stepmother, shoot her."

Mr. BEASER. No, but here you have a child who is in a foster home who has been treated very well, who has fears and doubts about the foster parent. The child would normally identify herself in this case with a child in a similar situation and there a child in a similar situation turns out to have foster parents who became werewolves.

Do you not think that would increase the child's anxiety?

Mr. GAINES. Most foster children, I am sure, are not in homes such as were described in those stories. Those were pretty miserable homes.

Mr. HANNOCH. You mean the houses that had vampires in them, those were not nice homes?

Mr. GAINES. Yes.

Mr. HANNOCH. Do you know any place where there is any such thing?

Mr. GAINES. As vampires?

Mr. HANNOCH. Yes.

Mr. GAINES. No, sir; this is fantasy. The point I am trying to make is that I am sure no foster children are kept locked up in their room for months on end except in those rare cases that you hear about where there is something wrong with the parents such as the foster child in one of these stories was, and on the other hand, I am sure that no foster child finds himself with a drunken father and a mother who is having an affair with someone else.

Mr. BEASER. Yet you do hear of the fact that an awful lot of delinquency comes from homes that are broken. You hear of drunkenness in those same homes.

Do you not think those children who read those comics identify themselves with the poor home situation, with maybe the drunken father or mother who is going out, and identify themselves and see themselves portrayed there?

Mr. GAINES. It has been my experience in writing these stories for the last 6 or 7 years that whenever we have tested them out on kids, or teen-agers, or adults, no one ever associates himself with someone who is going to be put upon. They always associate themselves with the one who is doing the putting upon.

The CHAIRMAN. You do test them out on children, do you?

Mr. GAINES. Yes.

Mr. BEASER. How do you do that?

Senator HENNINGS. Is that one of your series, the pictures of the two in the electric chair, the little girl down in the corner?

Mr. GAINES. Yes.

Senator HENNINGS. As we understood from what we heard of that story, the little girl is not being put upon there, is she? She is triumphant apparently, that is insofar as we heard the relation of the story this morning.

Mr. GAINES. If I may explain, the readers does not know that until the last panel, which is one of the things we try to do in our stories, is have an O. Henry ending for each story.

Senator HENNINGS. I understood you to use the phrase "put upon," and that there was no reader identification—with one who was put upon, but the converse.

Mr. GAINES. That is right, sir.

Senator HENNINGS. Now, in that one, what would be your judgment or conclusion as to the identification of the reader with that little girl who has, to use the phrase, framed her mother and shot her father?

Mr. GAINES. In that story, if you read it from the beginning, because you can't pull things out of context——

Senator HENNINGS. That is right, you cannot do that.

Mr. GAINES. You will see that a child leads a miserable life in the 6 or 7 pages. It is only on the last page she emerges triumphant.

Senator HENNINGS. As a result of murder and perjury, she emerges as triumphant?

Mr. GAINES. That is right.

Mr. HANNOCH. Is that the O. Henry finish?

Mr. GAINES. Yes.

Mr. HANNOCH. In other words, everybody reading that would think this girl would go to jail. So the O. Henry finish changes that, makes her a wonderful looking girl?

Mr. GAINES. No one knows she did it until the last panel.

Mr. HANNOCH. You think it does them a lot of good to read these things?

Mr. GAINES. I don't think it does them a bit of good, but I don't think it does them a bit of harm, either.

The CHAIRMAN. What would be your procedure to test the story out on a child or children?

Mr. GAINES. I give them the story to read and I ask them if they enjoyed it, and if they guessed the ending. If they said they enjoyed it and didn't guess the ending, I figure it is a good story, entertaining.

The CHAIRMAN. What children do you use to make these tests with?

Mr. GAINES. Friends, relatives.

Senator HENNINGS. Do you have any children of your own, Mr. Gaines?

Mr. GAINES. No, sir.

Senator HENNINGS. Do you use any of the children of your own family, any nieces, nephews?

Mr. GAINES. My family has no children, but if they had, I would use them.

The CHAIRMAN. You do test them out on children of your friends, do you?

Mr. GAINES. Yes.

Mr. BEASER. Mr. Gaines, in your using tests, I don't think you are using it in the same way that we are here. You are not trying to test the effect on the child, you are trying to test the readability and whether it would sell?

Mr. GAINES. Certainly.

Mr. BEASER. That is a different kind of test than the possible effect on the child. Then you have not conducted any tests as to the effects of these upon children?

Mr. GAINES. No, sir.

Mr. BEASER. Were you here this morning when Dr. Peck testified?

Mr. GAINES. I was.

Mr. BEASER. Did you listen to his testimony as to the possible effect of these comics upon an emotionally maladjusted child?

Mr. GAINES. I heard it.

Mr. BEASER. You disagree with it?

Mr. GAINES. I disagree with it.

Frankly, I could have brought many, many quotes from psychiatrists and child-welfare experts and so forth pleading the cause of the comic magazine. I did not do so because I figured this would all be covered thoroughly before I got here. And it would just end up in a big melee of pitting experts against experts.

Mr. BEASER. Let me get the limits as far as what you put into your magazine. Is the sole test of what you would put into your magazine whether it sells? Is there any limit you can think of that you would not put in a magazine because you thought a child should not see or read about it?

Mr. GAINES. No, I wouldn't say that there is any limit for the reason you outlined. My only limits are bounds of good taste, what I consider good taste.

Mr. BEASER. Then you think a child cannot in any way, in any way, shape, or manner, be hurt by anything that a child reads or sees?

Mr. GAINES. I don't believe so.

Mr. BEASER. There would be no limit actually to what you put in the magazines?

Mr. GAINES. Only within the bounds of good taste.

Mr. BEASER. Your own good taste and salability?

Mr. GAINES. Yes.

Senator KEFAUVER. Here is your May 22 issue. This seems to be a man with a bloody ax holding a woman's head up which has been severed from her body. Do you think that is in good taste?

Mr. GAINES. Yes, sir; I do, for the cover of a horror comic. A cover in bad taste, for example, might be defined as holding the head a little higher so that the neck could be seen dripping blood from it and moving the body over a little further so that the neck of the body could be seen to be bloody.

Senator KEFAUVER. You have blood coming out of her mouth.

Mr. GAINES. A little.

Senator KEFAUVER. Here is blood on the ax. I think most adults are shocked by that.

The CHAIRMAN. Here is another one I want to show him.

Senator KEFAUVER. This is the July one. It seems to be a man with a woman in a boat and he is choking her to death here with a crowbar. Is that in good taste?

Mr. GAINES. I think so.

Mr. HANNOCH. How could it be worse?

Senator HENNINGS. Mr. Chairman, if counsel will bear with me, I don't think it is really the function of our committee to argue with this gentleman. I believe that he has given us about the sum and substance of his philosophy, but I would like to ask you one question, sir.

The CHAIRMAN. You may proceed.

Senator HENNINGS. You have indicated by what—I hope you will forgive me if I suggest—seems to be a bit of self-righteousness, that your motivation was bringing “enjoyment”—is that the word you used?

Mr. GAINES. Yes, sir.

Senator HENNINGS. To the readers of these publications. You do not mean to disassociate the profit motive entirely, do you?

Mr. GAINES. Certainly not.

Senator HENNINGS. Without asking you to delineate as between the two, we might say there is a combination of both, is there not?

Mr. GAINES. No question about it.

Senator HENNINGS. Is there anything else that you would like to say to us with respect to your business and the matters that we are inquiring into here?

Mr. GAINES. I don't believe so.

Senator KEFAUVER. I would like to ask 1 or 2 questions.

The CHAIRMAN. You may proceed, Senator.

Senator KEFAUVER. Mr. Gaines, I had heard that your father really did not have horror and crime comics. When he had the business he printed things that were really funny, and stories of the Bible, but you are the one that started out this crime and horror business.

Mr. GAINES. I did not start crime; I started horror.

Senator KEFAUVER. Who started crime?

Mr. GAINES. I really don't know.

Senator KEFAUVER. Anyway, you are the one who, after you took over your father's business in 1947, you started this sort of thing here. This is the May edition of Horror.

Mr. GAINES. I started what we call our new-trend magazines in 1950.

Senator KEFAUVER. How many of these things do you sell a month, Mr. Gaines?

Mr. GAINES. It varies. We have an advertising guaranty of 1,500,000 a month for our entire group.

Senator KEFAUVER. That is for all the Entertaining Comics, of which Shock is one of them? How do you distribute these, Mr. Gaines?

Mr. GAINES. I have a national distributor. There are roughly 10 individual national distributors which handle roughly half of the magazines. The other half is handled by American News.

The 1 of the 10 that I have is Leader News Co.

Senator KEFAUVER. That is a distributor. Then do they sell to wholesalers?

Mr. GAINES. They in turn sell to seven-hundred-odd wholesalers around the country.

Senator KEFAUVER. The wholesalers then pass it out to the retailers, the drug stores, and newsstands; is that right?

Mr. GAINES. That is right.

Senator KEFAUVER. They are all sold on a consignment basis?

Mr. GAINES. They are all returnable.

Senator KEFAUVER. So your magazines along with what other wholesaler may be handling, are taken in a package to the retailer and left there and he is supposed to put them on his stand and sell them?

Mr. GAINES. Yes.

Senator KEFAUVER. And if he does not sell them, or does not display them, then he is liable to get another retailer?

Mr. GAINES. No, we cover every retailer as far as I know.

Senator KEFAUVER. You don't like things to be put back and resold. You would like them to be sold.

Mr. GAINES. I would prefer it. Comics are so crowded today, I think there are some 500 titles, that it is impossible for any retailer to give all 500 different places.

Senator KEFAUVER. I notice in this edition of May 14 the one in which you have the greasy Mexican the first page has apparently two shootings going on at the same time here, then on the next page is an advertisement for young people to send a dollar in and get the Panic for the next 8 issues. Is that not right?

Mr. GAINES. That is right.

Senator KEFAUVER. This says the editors of Panic, 225 Lafayette Street. That is you?

Mr. GAINES. That is right.

Senator KEFAUVER. Then the attraction here is "I dreamed I went to a fraternity smoker in my Panic magazine," you have dice on the floor and cigarettes, somebody getting beer out, somebody laying on his back taking a drink. Do you think that is all right?

Mr. GAINES. This is an advertisement for one of my lampoon magazines. This is a lampoon of the Maiden-Form brassiere ad, I dreamed I went to so-and-so in my Maiden-Form brassiere, which has appeared in the last 6 years in national family magazines showing girls leaping through the air in brassieres and panties.

We simply lampoon by saying "I dreamed I went to a panic smoker in my Panic magazine."

Senator KEFAUVER. I mean, do you like to portray a fraternity smoker like that?

Mr. GAINES. This is a lampoon magazine. We make fun of things.

The CHAIRMAN. You think that is in good taste?

Mr. GAINES. Yes, sir.

Senator KEFAUVER. I have looked through these stories. Every one of them seems to end with murder, practically. I have looked through this one where they have the greasy Mexican and the Puerto Rican business. I can't find any moral of better race relations in it, but I think that ought to be filed so that we can study it and see and take into consideration what Mr. Gaines has said.

The CHAIRMAN. Mr. Gaines, you have no objection to having this made a part of our permanent files, have you?

Mr. GAINES. No, sir.

The CHAIRMAN. Then, without objection, it will be so ordered. Let it be exhibit No. 12.

:(The magazine referred to was marked "Exhibit No. 12," and is on file with the subcommittee.)

Senator KEFAUVER. Is Mr. Gaines a member of the association that we talked about here this morning?

Mr. GAINES. No longer. I was a member for about 2 or 3 years and I resigned about 2 or 3 years ago.

Senator KEFAUVER. How did you happen to resign, Mr. Gaines?

Mr. GAINES. Principally for financial reasons.

Senator KEFAUVER. It only has \$15,000 a year for the whole operation?

Mr. GAINES. At that time my share would have been \$2,000. At that time, also, about 10 percent of the publishers were represented.

I was a charter member of the association. I stuck with it for 2 or 3 years.

The theory was that we were going to get all the publishers into it and then the burden of financial——

Senator KEFAUVER. Did you have any argument about censorship, about this gentleman, Mr. Schultz, who was here, not liking the kind of things you were publishing?

Mr. GAINES. No, sir. Mr. Schultz and I frequently had disagreements which we would iron out and I would make the changes he required until I decided to resign.

The CHAIRMAN. Did you have any part, Mr. Gaines, in preparing that code?

Mr. GAINES. No, the code was prepared by, I believe, the first board of directors of the association. I was on the board of directors later on, but not at first.

The CHAIRMAN. Did you subscribe to the code?

Mr. GAINES. Yes, sir.

The CHAIRMAN. Did you think that publishing a magazine like this for example would still be within the code?

Mr. GAINES. No, sir.

Senator KEFAUVER. You admit none of this would come within that code?

Mr. GAINES. Certain portions of the code I have retained. Certain portions of the code I have not retained. I don't agree with the code in all points.

Senator KEFAUVER. The code that you have here, none of your stories would come in that code. You could not print any of these if you compiled with the full code we read here this morning.

Mr. GAINES. I would have to study the story and study the code to answer that.

Senator KEFAUVER. How much is your monthly income from all your corporations with this thing, Mr. Gaines?

Mr. GAINES. You mean by that, my salary?

Senator KEFAUVER. No. How much do you take in a month from your publications?

Mr. GAINES. I wouldn't know monthly. We figure it annually.

Senator KEFAUVER. Let us say gross.

Mr. GAINES. Gross, I don't know.

Senator KEFAUVER. What is your best estimate annually?

Mr. GAINES. I would say about \$80,000 a month gross.

Senator KEFAUVER. How many books did you say you printed a month?

Mr. GAINES. A million and a half guaranteed sale. We print about two, two and a half million.

Senator KEFAUVER. How much net do you make a month out of it, that is, the corporations?

Mr. GAINES. Last year it came to about \$4,000 a month.

Senator KEFAUVER. Do you have several corporations, Mr. Gaines?

Mr. GAINES. Yes, sir.

Senator KEFAUVER. How many corporations do you have?

Mr. GAINES. I have five.

Senator KEFAUVER. Why do you have five corporations?

Mr. GAINES. Well, I don't really know. I inherited stock in five corporations which were formed by my father before his death. In

those days he started a corporation, I believe, for every magazine. I have not adhered to that.

I have just kept the original five and published about two magazines in each corporation.

Senator KEFAUVER. Do you not think the trouble might have been if one magazine got in trouble that corporation would not adversely affect the others?

Mr. GAINES. Oh, hardly.

Senator KEFAUVER. You did get one magazine banned by the attorney general of Massachusetts, did you not?

Mr. GAINES. The attorney general of Massachusetts reneged and claims he has not banned it. I still don't know what the story was.

Senator KEFAUVER. Anyway, he said he was going to prosecute you if you sent that magazine over there any more.

Mr. GAINES. He thereafter, I understand, said—he never said he would prosecute.

Senator KEFAUVER. That is the word you got though, that he was going to prosecute you?

Mr. GAINES. Yes.

Senator KEFAUVER. When was that?

Mr. GAINES. Just before Christmas.

Senator KEFAUVER. Which magazine was that?

Mr. GAINES. That was for Panic No. 1.

Senator KEFAUVER. Just one other question. There is some association that goes over these things. Do you make any contribution to the memberships of any associations?

Mr. GAINES. No.

Senator KEFAUVER. Any committee that supervises the industry?

Mr. GAINES. No. There is no such committee or organization aside from the Association of Comic Magazine Publishers.

Senator KEFAUVER. You said you had a guaranteed sale of a million and a half per month.

Mr. GAINES. We guarantee the advertisers that much.

Senator KEFAUVER. So that you do have some interest in seeing that the distributor and wholesaler and retailer get your magazines out because you guarantee the advertisers a million and a half sales a month?

Mr. GAINES. I have a very definite interest. Unfortunately, I don't have a thing to do with it.

Senator KEFAUVER. Thank you, Mr. Chairman.

Mr. HANNOCH. Could I ask one or two questions?

The CHAIRMAN. Mr. Hannoch.

Mr. HANNOCH. What is this organization that you maintain called the Fan and Addict Club for 25 cents a member?

Mr. GAINES. Simply a comic fan club.

Mr. HANNOCH. You advertise the children should join the club?

Mr. GAINES. Yes.

Mr. HANNOCH. What do they do? Do they pay dues?

Mr. GAINES. No.

Mr. HANNOCH. What do they send 25 cents in for?

Mr. GAINES. They get an arm patch, an antique bronze pin, a 7 by 11 certificate and a pocket card, the cost of which to me is 26 cents without mailing.

Mr. HANNOCH. After you get a list of all these kids and their families and addresses, what do you do with the list?

Mr. GAINES. I get out what we call fan and addict club bulletins. The last bulletin was principally made up of names and addresses of members who had back issues they wanted to trade with other members.

Mr. HANNOCH. Did anybody buy that list from you and use it?

Mr. GAINES. No, sir; I have never sold it.

Mr. HANNOCH. Do you know anything about this sheet called, "Are you a Red dupe?"

Mr. GAINES. Yes, sir; I wrote it.

Mr. HANNOCH. How has it been distributed?

Mr. GAINES. It has not been distributed. It is going to be the inside front cover ad on five of my comic magazines which are forthcoming.

Mr. HANNOCH. And it is going to be an advertisement?

Mr. GAINES. Not an advertisement. It is an editorial.

Mr. HANNOCH. Do other magazines have copies of this to be used for the same purpose?

Mr. GAINES. No, sir.

Mr. HANNOCH. You haven't made this available to the magazines as yet?

Mr. GAINES. No, sir; and I don't intend to.

Mr. HANNOCH. You believe the things that you say in this ad that you wrote?

Mr. GAINES. Yes, sir.

Mr. HANNOCH. That anybody who is anxious to destroy comics are Communists?

Mr. GAINES. I don't believe it says that.

Mr. HANNOCH. The group most anxious to destroy comics are the Communists?

Mr. GAINES. True, but not anybody, just the group most anxious.

The CHAIRMAN. Are there any other questions?

Mr. HANNOCH. No.

Mr. BEASER. I have some questions.

The CHAIRMAN. Mr. Beaser.

Mr. BEASER. Just to settle the point which came up before, Mr. Gaines, who is it that gets the idea for this, for one of your stories, you, your editor, the artist, the writer? Where does it come from?

Mr. GAINES. Principally from my editors and myself.

Mr. BEASER. Not from the artists?

Mr. GAINES. No.

Mr. BEASER. He just does what he is told?

Mr. GAINES. He just followed the story and illustrates it.

Mr. BEASER. He is told what to do and how to illustrate it?

Mr. GAINES. No, our artists are superior artists. They don't have to be given detailed descriptions.

Mr. BEASER. He has to be told what it is?

Mr. GAINES. It is lettered in before he draws it.

Mr. BEASER. He knows the story pretty much, so he knows what he can fit in?

Mr. GAINES. Yes.

Mr. BEASER. You said that you had a circulation of 5 million Bible storybooks.

Mr. GAINES. Yes.

Mr. BEASER. How many years is this?

Mr. GAINES. Twelve years, since 1942.

Mr. BEASER. In other words, in little over 3½ months you sell more of your crime and horror than you sell of the Bible stories?

Mr. GAINES. Quite a bit more.

Mr. BEASER. They seem to go better?

Mr. GAINES. This is a 65-cent book. The crime-and-horror book is a 10-cent book. There is a difference.

Mr. BEASER. No further questions, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Gaines.

Mr. GAINES. Thank you, sir.

The CHAIRMAN. Will counsel call the next witness?

Mr. BEASER. Mr. Walt Kelly.

The CHAIRMAN. Mr. Kelly, do you have some associates?

Mr. KELLY. I have, sir.

The CHAIRMAN. Do you want them to come up and sit with you?

Mr. KELLY. I think I would enjoy the company.

The CHAIRMAN. Fine. We would enjoy having them up here.

I will swear you all at one time.

Do you solemnly swear that the testimony you will give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KELLY. I do.

Mr. CANIFF. I do.

Mr. MUSIAL. I do.

**TESTIMONY OF WALT KELLY, ARTIST, CREATOR OF POGO, AND
PRESIDENT, NATIONAL CARTOONISTS SOCIETY, NEW YORK, N. Y.;
MILTON CANIFF, ARTIST, CREATOR OF STEVE CANYON, NEW
YORK, N. Y.; AND JOSEPH MUSIAL, EDUCATIONAL DIRECTOR,
NATIONAL CARTOONISTS SOCIETY, NEW YORK, N. Y.**

Mr. HANNOCH. Will you give your name, sir?

Mr. KELLY. Walt Kelly, 2 Fifth Avenue, artist, drawer of Pogo, New York City.

Mr. BEASER. Have you a title, Mr. Kelly, in the association?

Mr. KELLY. I am the president of the National Cartoonists Society. I forgot about that. I just took office last night.

Mr. CANIFF. Milton Caniff, New York City, N. Y. I draw Steve Canyon for Chicago Sun-Times Syndicate, and King Features, Syndicate.

Mr. MUSIAL. Joseph Musial. I am educational director for the King Features Syndicate. I am director for King Features Syndicate and educational director for the Cartoonist Society.

I live in Manhasset, Long Island, N. Y.

The CHAIRMAN. Thank you very much, gentlemen, you may be seated.

Mr. Counsel?

Mr. BEASER. You have a set method that you want to proceed in?

Mr. KELLY. We thought we would do a little commercial work here and show you some of the ways we proceed in our business.

However, before we get into that, I just want to take a moment to acquaint you in some degree at least with my own experience and I think it might be of use or value if the other gentleman would give you somewhat of their background.

The CHAIRMAN. I am sure it would be very helpful.

Mr. KELLY. I have been in the newspaper business and animated cartoons and cartooning generally since about 13 years of age. I regret to say that constitutes about 28 years now.

I got into the comic-book business at one time back in 1940 or 1941 and had some experience with its early days as before the 1947 debacle of so many crime magazines and so on.

In those days there was even then a taste on the part of children for things which are a little more rugged than what I drew. So that I was faced with the problem of putting into book form, into comic form, comic-book form, things which I desired to make popular, such as an American fairy story or American folklore type of stories.

I found after a while that this was not particularly acceptable.

The CHAIRMAN. Would you raise your voice just a little.

Mr. KELLY. I decided I would help clean up the comic-book business at one time, by introducing new features, such as folklore stories and things having to do with little boys and little animals in red and blue pants and that sort of thing.

So when my comic book folded, the one I started doing that with, I realized there was more to it than met the eye.

Perhaps this was the wrong medium for my particular efforts. Since then I have been in the strip business, the comic-strip business which is distinguished from the comic books.

We have found in our business that our techniques are very effective for bringing about certain moral lessons and giving information and making education more widespread.

Despite the testimony given before, I would say right offhand that cartoonists are not forced by editors or publishers to draw any certain way. If they don't want to draw the way the publisher or editor wants them to, they can get out of that business.

We have about 300 members of our society, each one of whom is very proud of the traditions and I think small nobility of our craft. We would hesitate, any one of us, to draw anything we would not bring into our home.

Not only hesitate, I don't think any one of us would do it. That is about all I have to say in that regard.

I would like very much to give one statement. May I do that now?

The CHAIRMAN. You may.

Mr. KELLY. This group here endorses a particular statement by the National Cartoonists Society. That statement is this:

The National Cartoonists Society views as unwarranted any additional legislative action that is intended to censor printed material. The society believes in local option. We believe that offensive material of any nature can be weeded from the mass of worthwhile publications by the exercise of existing city, State, and Federal laws.

Further, we believe that the National Cartoonists Society constitutes a leadership in the cartoon field which has previously established popular trends. We therefore will restrict any action we take to continually improving our own material and thus influencing the coattail riders who follow any successful idea.

We believe good material outsells bad. We believe people, even juveniles, are fundamentally decent. We believe, as parents and as onetime children ourselves,

that most young people are instinctively attracted to that which is wholesome.

Our belief in this sound commercial theory is only in addition to our belief in free expression and the noble traditions of our profession. Our history abounds in stalwarts of pen and pencil who have fought for freedom for others. For ourselves as artists and free Americans we too cherish freedom and the resultant growth of ideas. We cannot submit to the curb, the fence, or the intimidating word. The United States of America must remain a land where the Government follows the man.

Mr. BEASER. You are not saying that it is not possible to put into comics, crime comics and horror comics, what we have been talking about, things that might have some harmful effect?

Mr. KELLY. I think it is even entirely possible, sir. I think it is the duty of the creator of the material to see that that sort of thing does not get in there.

The creator, apart from the producer or the publisher, is personally responsible for his work.

I somewhat question the good doctor's statement before when he said in response to your question, sir, that perhaps the originators of this material might be under scrutiny, should be, as to their psychiatric situation.

We in the cartoon business sort of cherish the idea that we are all sort of screwball. We resent the implication that any man putting out that kind of stuff is not a screwball. That is another thing we fight for.

Senator HENNINGS. I would like to say to Mr. Kelly that I think your statement is admirable. I am a frustrated cartoonist myself. I wanted to be one when I was a boy and I got off the track. I have noticed the chairman of our committee doing a good deal of sketching during some of the hearings. He is really a very fine artist.

Without asking you to be invidious or to pass upon any thing ad hominem here with respect to any other publication, is it your opinion that there are certain publications being circulated and calculated to appeal to children in their formative years, their immature years, and from your understanding of the profession—and I call it one because it is; your strip is clean and enlightening as is Mr. Caniff's; the very best in the business—do you not deplore, do you gentlemen not deplore some of these things that you see purveyed to the children and in a sense pandering to the taste, or do you think those things will right themselves? Do you think sooner or later that the harm, if such exists, is outweighed by a good many other things?

Mr. KELLY. I think basically that is our position; yes, sir.

Senator HENNINGS. You realize, of course, the great danger of censorship?

Mr. KELLY. I realize, too, sir, the great danger of the magazines in question.

Senator HENNINGS. So it is a rough problem; is it not?

Mr. KELLY. We are put in a rather unpleasant position.

We don't like to be put in a position to defend what we will defend to the last breath.

The CHAIRMAN. Mr. Caniff do you feel the same way?

Mr. CANIFF. Yes, sir; but if I may, I would like to point out here because it has not been done, we first of all represent the newspaper strip as contrasted with the comic book. It is a fact, of course, as you all well know, that the newspaper strip is not only censored by each editor who buys it, precensors it, which is his right, but by the syndi-

cate's own editors, who are many, and highly critical, and then this censorship includes the readers themselves, who are in a position to take the editor to task for printing your material and they are quick to respond.

So we are never in doubt as to our status. There will never be any question after the fact. You almost know by the time it hits the street whether or not your material is acceptable to the reader.

So we are in this white-hot fight of public judgment, which is as it should be.

For instance, Walt's strip runs in 400 newspapers. Mine in 350. Blondie in 1,300 out of the 1,500 dailies. That means we have a daily circulation of 55 or 75 million. So that we are in front of the pack all the time and highly vulnerable, as a result.

I bring this in here because I think it is germane on this principle alone, that we also have comic books publishing our material so that we are in this field as well.

It is pointed toward perhaps a little audience in the simple sense that we hope to sell to the daily audience that reads the 10-cent book.

But we are in effect as responsible as well. Insofar as deploring individual books, that is a matter of individual taste. Some books I like which you wouldn't like. I can't say blanketly, for instance, that I dislike all crime comics or I think they are bad. I think they are only good or bad as they affect you, the individual, and by the same token the individual reader of any age group is affected relatively rather than as a group and cannot be condemned I believe, as a group.

The CHAIRMAN. That is a very fine statement.

Mr. CANIFF. Thank you very much.

Would you like to add anything, Mr. Musial?

Mr. MUSIAL. I am supposed to be educational director. I can see I have to give my job over to Mr. Caniff. He presented my thoughts better than I could.

I would like to say, I think cartoons are of a sort and instead of making a speech at this particular time I brought in an editorial drawing which I made, which I think germane to the situation. I would like to place this on the board, with your permission.

The CHAIRMAN. Would you please do that.

Mr. KELLY. Mr. Chairman, we would appreciate very much showing you a few of the things that we have been doing, one of which is a series of talks that I personally have been giving before journalism students, newspaper groups, luncheon clubs, and other respectable bodies and people in search of some sort of education, trying to point out what is the basis of the philosophical workings of the comic strip.

I think I can use my own strip as an example, and you can see what thought goes into what we do and how we do it.

[Demonstrating.] In the first place, in every one of our strips we have a central character around whom we base most of our plotting and action.

In my case it happens to be a character who is supposed to look like a possum, in effect; he is a possum by trade, but he doesn't really work at it because actually he happens to be related to most of the people that read comic strips.

Now, he looks a little bit like a monster. This little character actually looks a little bit like a monster.

On the other hand, he is supposed to be a possum and he has this turned-up, dirty nose and a rather innocent expression on his face which is indicative of a little boy because we usually have more readers that are little boys than are possums.

With this innocent, sweet character are a number of rather disreputable characters. The reason I bring up most of these is that each one represents a certain facet of one man's personality, unfortunately mine.

Here is an alligator who at one time worked as a political expert for Pogo. Pogo ran for the Presidency of the United States, and, of course, didn't make it. Now, he, we thought, would make an excellent political type because he has a sort of thick alligator skin and some say a head to match, and so on. He is the sort of character that stands around street corners and smokes cigars.

Along with that character are several other unfortunate people who got into the swamp. One is a dog who is very proud of being a dog. Of course, those of you who have been dogs in your time understand his position in that.

Senator KEFAUVER. You are not talking about a doghouse, now?

Mr. KELLY. No, I am staying away from that. This particular dog is the kind of dog who feels that he knows all the answers and has a great deal of respect for his own judgment and we all know people like that.

One other character who is probably pertinent to the kind of work I try to do is a little character known as the porcupine. Now, this character is a very grumpy sort of character. He looks like most of us do when we get up in the morning. He has generally a sort of sour-faced kind of philosophy. It is a long time after lunch and I am drawing these from the side, so they may have a sort of lean to them.

He is very sour about everything, but he says, "You never should take life very seriously because it ain't permanent." These are the sources of things that go into comic strips.

When I talk before journalism people I try to tell them these are various facets of one man's personality, mine, yours, that everyone has in him the ability to be all of the cruel, unkind, unpleasant, wonderful and pitiful people that exist in the world.

That is my message to young journalism students, because they are in search of the truth. They sometimes fight it and sometimes are able to report on it.

For myself, I have never received any intimidation nor have I been dropped by editor or publisher for anything I wanted to say.

All I have ever been dropped for is because I was lousy.

This character here, for example, is known as the deacon. He is one of those busybodies who assumes that everything he has to say is of such importance that I have to letter his script in a gothic type, which is sometimes readable and sometimes not. I assure you when you can't read it, it is not because I am hiding anything; it is because I can't letter very well.

That man is willing to prescribe for everyone and whatever he believes in very firmly, having borrowed it from someone else. He is out to do you good whether it kills you or not. That is not his concern.

Then every cartoonist being somewhat dishonest—cartoonists are very much like people—we sometimes introduce into our strips things which we hope will be cute and will get the ladies to write in and say “Ah.” This is a little puppy dog who shows up every once in a while, and the ladies do write in and think he is very cute.

I won’t continue with this because we will run out of paper. Milt won’t have any room.

But I would like to just say that in delivering a serious lecture, one which involves trying to make these young people feel that it is possible in our newspapers as they exist today to express themselves, that we still have a great heritage of freedom in our press, one which we want to keep, one which if you are good enough you can make daily use of.

Young people are somewhat intimidated before they become actual journalists so that they are a little frightened. They think that publishers and editors are going to bring great pressure to bear on them; they are not going to be able to say what they would like to say, so a word coming from a silly cartoonist on the outside, a man who has grown at least to the point where he can buy his own cigars, they are refreshed by this sort of experience.

We find as cartoonists that using our simple techniques of making drawings and making statements that the two somehow become entwined, the people are willing to listen because we are making pictures largely, but willing to listen also because we do have, I believe, a great tradition of trying to express the truth in a decent and sometimes, we hope, humorous way.

We believe that this is the way of America. We think it will continue.

I am sure you gentlemen are as much concerned with it as I. I know that is why we are here.

The CHAIRMAN. Speaking as one member of the committee, Mr. Kelly, I can say that you cartoonists do make a great contribution to this country.

Mr. KELLY. Thank you, sir.

The CHAIRMAN. I am sure my colleagues will agree with that statement.

Mr. KELLY. I would like to add one thing to probably clear up what I was doing here. It probably escaped a lot of us. It escaped me.

I was trying to show here the different facets of personality. It is my belief that each one of us contains all these horrible things which we sometimes see in crime books, not in any enlarged form, but way back in there are things. That is why I try to bring out and Milt tries to bring out and 300 other cartoonists in our society try to bring out other things which are much better than that. We believe as people read comic strips they will get to realize that all other people are very much like ourselves and that they will be rather patient and understanding in trying to judge their fellow men.

The CHAIRMAN. Thank you very much, Mr. Kelly. That is a fine presentation.

Mr. CANIFF. Mr. Chairman, I would like to follow with this: As you can see, we are attempting not to debate with Dr. Wertham, whose opinion we value very highly, but rather to make this point, that the newspaper comic strip does two things, and we think this is extremely important.

First, it is to entertain, as you saw in the case of Walt's presentation, just the presentation is entertaining, aside from his message.

Second, the public servant aspect of this thing which we want to put on the record, because the horrible stuff is much more fascinating than the good stuff, but I think you agree with us that the good stuff should be on the record, too.

Many of these are simply incidents in or daily lives, because we spend almost as much time doing the public service kind of thing as our regular strips; in fact, it becomes an enormous problem.

In this instance you will see, for instance, Mr. Musial here with Governor Dewey during a New York State Department of Health mental hygiene campaign to which he gave a great amount of time, and other artists involved in the society as well.

This is Dagwood Splits the Atom, which was prepared with the scientific views of Leslie Grove, General Dunning, and so forth.

This has to do with the bond sale during the war, the use of the comic strips.

This is a bulletin, rather a booklet, which was prepared for boys who are sent to Warwick School, to the New York State Reformatory.

This is to tell them not how to get in the reformatory, but how to get out of it on the assumption they have read comic books.

This is to show if they conduct themselves properly they will get paroled back to their parents.

This obviously is to get kids to brush their teeth, using Dennis the Menace; of course he is not a menace; the title is apocryphal. These are simply incidents of the same thing.

All the people know the Disney comics. The widest selling comic book in the whole country and in Canada is Donald Duck. It outsells every magazine on the stand; that includes Life, the Saturday Evening Post.

As a matter of fact, the Dell comic books constitute 30 percent of the comic books published. They think it is too much that they even dropped Dick Tracy because it was a crime comic.

These pictures with General Dunning, General Eisenhower, President Truman had to do with the bond campaigns in which we participated. This is in this case Steve Canyon's Air Power. It so happens, speaking of people condoning comic books or endorsing them, this is endorsed by General Doolittle.

The CHAIRMAN. I might add it is endorsed by the junior Senator from New Jersey, too.

Mr. CANIFF. Thank you, Senator. I hope just for the simple business of letting you know how the other half live, shall we say, that we do some good with the very medium which is fighting for its life, if you will, and we think very highly of the industry as such, because of its enormous potential.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Caniff.

Are there any questions, Senator Kefauver?

Senator KEFAUVER. I wondered, Mr. Kelly and Mr. Caniff, how do you feel you can get at this sort of thing? I know you don't think this is a good influence, some of these horror comics that you see and none of us like. How do you get at a situation like this?

Mr. KELLY. I don't know. I have no idea, sir. My personal philosophy on such a thing would be that we must educate people to not like that sort of thing or to at least not produce it.

How we can do that, I don't know. It does seem to me that this is a manifestation of a particularly bad world situation at this time, that these are not in themselves the originators of juvenile delinquency so much as juvenile delinquency is there and sometimes these are the juvenile delinquents' handbooks.

I would be frightened at doing anything about it, sir.

Senator KEFAUVER. Who are the men drawing these cartoons? Are they members of your society?

Mr. KELLY. If they are, and doing it under assumed names, and in very bad style—they are not very good drawings actually—when a man is admitted to our society we don't just assume he can draw.

Senator KEFAUVER. As a member of your society, is there a code that he is not supposed to draw obscene and horror stuff of this kind?

Mr. KELLY. Yes, sir; our statement of things that we believe in encompasses anything that a decent man would be proud to sign his name to.

The CHAIRMAN. You have an established code, Mr. Kelly?

Mr. KELLY. We have, sir.

The CHAIRMAN. I wonder if we could have a copy of that.

Mr. KELLY. I will be delighted to send it to you.

The CHAIRMAN. That will be filed with the subcommittee's permanent file. Let it be exhibit No. 13.

(The document referred to was marked "Exhibit No. 13," and is on file with the subcommittee.)

Senator KEFAUVER. In substance what is your code?

Mr. KELLY. In substance our code is that if any man chooses to take advantage of his position, a unique position, where he has learned to draw and so influence other people, if he wants to take advantage of that to spread indecency or obscenity or in any way prove himself to be an objectionable citizen, we don't have room for him in the society.

Senator KEFAUVER. Now, this picture here of the woman with her head cut off seems to be by Johnny Craig. Do you know him?

Mr. KELLY. I don't know him, sir.

Senator KEFAUVER. Do you think these may be assumed names?

Mr. KELLY. I would doubt it. There are so many markets for our work that it takes a man who is interested in that sort of thing to pick up the job, I would say. None of our members need the work.

Senator KEFAUVER. None of your members do things of this kind?

Mr. KELLY. I haven't examined all their work, and I can't truthfully swear they don't, but I will be surprised and we will take action if they do.

Senator KEFAUVER. What would you do if you found they did?

Mr. KELLY. They would violate our code.

Senator KEFAUVER. What would you do about it?

Mr. KELLY. I don't know. Maybe invite them outside.

Senator KEFAUVER. This one seems to be by Geans.

Mr. KELLY. There was an astronomer—not, it couldn't be him.

Senator KEFAUVER. Here is another one by Jack Davis.

Mr. KELLY. We don't know them, really.

Senator KEFAUVER. I think we all commend you gentlemen on having an organization of this kind in which you do promote ethical procedure and try to get your members to only paint wholesome pictures and ideas.

Mr. KELLY. Thank you.

The CHAIRMAN. Mr. Musial had something he wanted to add.

Mr. MUSIAL. I wanted to present all the Senators with a copy of that drawing which interprets my feeling about what can be done. When the Senator asked about what we can do, I think the important thing that can be done and must be done and the only thing that can be done, is that once the American public is aware of the things that this committee is aware of, if we can get that over to the American people, then under our kind of democracy I think action will follow in a certain direction which will guarantee results.

I hate to say this, but I suggest that the committee solicit our services.

The CHAIRMAN. We do that.

Mr. MUSIAL. Here is a story in the New York Times of last Saturday. We have already contributed a book. I would like that included in the record, if I may.

The CHAIRMAN. It will be included. Let it be exhibit No. 14.

(The information referred to was marked "Exhibit No. 14," and reads as follows:)

EXHIBIT No. 14

[From the New York Times, April 17, 1954]

COMIC BOOKS HELP CURB DELINQUENCY

STATE SCHOOL ADOPTS IDEA TO ALLAY INMATES' FEARS—JUDGE BACKS USE

(By Murray Illson)

Comic books, often accused of causing juvenile delinquency, also can be used to help cure it, in the opinion of A. Alfred Cohen, superintendent of the State Training School for Boys at Warwick, N. Y.

Mr. Cohen was in the city yesterday with a batch of comic books that had been printed by youths committed to the institution. The books have been endorsed by John Warren Hill, presiding justice of the domestic relations court. He called them "a very helpful and constructive step."

Justice Hill has been concerned with the increase of juvenile delinquency over the years, and has made many speeches trying to get people aroused enough to do something about it.

STORY OF THE SCHOOL

The comic books that Mr. Cohen had were all alike. He presented one for inspection. It was drawn by Charles Biro, chairman of the child welfare committee of the National Cartoonists Society, which has taken a special interest in the Warwick State Training School. The book's 8 pages, printed in color, told the story of the school.

Mr. Cohen explained that the purpose of the book was to allay the fears of boys who were being committed to the school, which is in Orange County, 55 miles from New York. Probation officers in the city's children's courts, which are part of the domestic relations' court, give the books to boys who are being sent to Warwick for rehabilitation.

Warwick, Mr. Cohen noted, is 1 of the States 2 institutions for delinquent boys. Consisting of 40 buildings and 800 acres, it now has 476 boys between the ages of 12 and 16. Ninety-nine percent of them are from New York. Sixty youngsters are in the city's detention center at Youth House, awaiting placement at Warwick.

"We get the boys who are judged by the courts to be seriously delinquent," Mr. Cohen explained. "We maintain a clinic serviced by a psychiatrist, a psychologist and caseworkers who decide when a boy is ready to be sent home. The

superintendent, however, has the final decision. The average stay for younger boys is about 14 months; for the older boys it's about 11 months."

Mr. Cohen said that when he went to Warwick 9 years ago the school was getting "the gang-type youngster" who was characterized by loyalty to a gang but who was, for the most part, "normal" in that he did not have serious emotional disturbances.

TODAY'S TYPE DESCRIBED

The type now going to Warwick was described by Mr. Cohen as the "lone wolf, who is very disturbed, very suspicious, can't form relationships with people, feels the world is against him, has never known the meaning of love, and has only experienced failure." He went on to say:

"Many of these kids literally have never had a hot meal before they came to Warwick, never had a full night's sleep and have known only real conflict in the home. The amazing thing is that they behave as well as they do.

"I have never met a youngster among the 8,000 who have passed through Warwick in the time I have been there who hadn't been beaten physically by experts—drunken parents, psychotic parents, or sadistic relatives. We know from first hand that the woodshed doesn't work."

Warwick, Mr. Cohen said, is "an open institution" that does not believe in confinement. It offers boys an academic education, vocational training in farming, and various recreational activities.

Comparatively recently, five boys at the institution were admitted to the local high school, Mr. Cohen said. All completed their courses. One went on to take a premedical course, and another won a college scholarship.

Mr. MUSIAL. I got a big kick out of it, the New York Times printing comics.

If any of the press want this, it is available.

Again, like the Chinese who say 1 picture is worth 10,000 words, I would like to add this to it, 1 comic artist supplies more cheer than 10,000 doctors.

The CHAIRMAN. Thank you very much, Mr. Musial.

Does counsel have any further witnesses?

Mr. BEASER. No further witnesses.

The CHAIRMAN. The subcommittee will stand in recess until 10 o'clock tomorrow morning.

(Thereupon, at 4:30 p. m., a recess was taken, to reconvene at 10 a. m., Thursday, April 22, 1954.)

JUVENILE DELINQUENCY

(Comic Books)

THURSDAY, APRIL 22, 1954

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
New York, N. Y.

The subcommittee met at 10 a. m., pursuant to recess, in room 110, United States courthouse, New York, N. Y., Senator Robert C. Hendrickson (chairman of the subcommittee) presiding.

Present: Senators Hendrickson, Kefauver, and Hennings.

Also present: Herbert J. Hannoch, counsel; Herbert Wilson Beaser, associate chief counsel, and Richard Clendenen, staff director.

The CHAIRMAN. The morning session of the subcommittee will be in order.

Counsel, will you proceed to call the first witness of the morning.

Mr. BEASER. Mr. Gunnar Dybwad.

The CHAIRMAN. Good morning. Will you be sworn?

Do you swear that the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DYBWAD. I will.

The CHAIRMAN. You may be seated.

TESTIMONY OF GUNNAR DYBWAD, EXECUTIVE DIRECTOR, CHILD STUDY ASSOCIATION OF AMERICA, NEW YORK, N. Y.

Mr. BEASER. Mr. Dybwad, will you state, for the record, your full name, address, occupation, and position you hold?

Mr. DYBWAD. My name is Gunnar Dybwad. I am executive director of the Child Study Association of America, located at 132 East 74th Street, here in New York City.

The CHAIRMAN. Do you have a prepared statement, Mr. Dybwad?

Mr. DYBWAD. I am the executive director of the Child Study Association of America, a parent education organization which was established in 1888.

All this time our organization has worked to help parents gain a better understanding of their children and of their role and function as parents.

Our interest has been, and still is, the strengthening of family living in this country. While we have, of course, a deep interest in all children, our function has been to work with the average family, and we have left the field of delinquency, mental deficiency, and mental

illness in children to the organizations devoted to those particular problems.

Therefore, when I appear here today upon invitation by your committee counsel, to report on the viewpoint of our association on the subject of comics, I must emphasize that our concern has not been with the relation of comic books to delinquency in general.

Rather, out of our longstanding work in the field of children's reading, our children's book committee has given attention to the concern of individual parents with the comics reading of their own children—to allow or prohibit them, how to guide their choices, problems of management, et cetera.

This, naturally, has been our area of interest, since we are not an agency organized for sociological and psychological research, nor a pressure group organized for social action and reform.

In offering guidance to parents, the absence of any definitive studies of the effects of comics reading on children's emotions and/or behavior has been a serious handicap to us as to everyone dealing with this problem.

We have, therefore, depended upon the judgment of individuals whose experience and professional standing should make their opinions significant.

As you know, these opinions have differed widely. In this area, therefore, as in other areas of child psychology and education, we have found our function to be that of sorting out what seems to us the most authoritative and useful advice from responsible and reputable sources, and of making this available to parents for their guidance.

Against this background, I would like to state briefly what we actually have done in this field. Our activity began in 1937 when the educational consultant to our children's book committee, in a book about children's reading, discussed comic-strip reading, referring to the Sunday color supplements.

Mr. BEASER. Who is that?

Mr. DYBWAD. Miss Josette Frank. Her background is an expert in children's reading. She recently celebrated her 30th anniversary with us as an educational consultant. She is an educator.

Mr. BEASER. Not a psychologist?

Mr. DYBWAD. No; Miss Frank, not Dr. Frank, as a result of this discussion a few years later, one of the large publishers of comics magazines invited this staff member to scrutinize its comics magazines and make suggestions for improving and safeguarding them for children's reading.

Subsequently, she was retained by this publisher as an educational consultant.

I would like to say parenthetically, Miss Frank is only part time on our staff.

She was asked along with other people from the educational and psychiatric fields, to help work out and maintain a code of practices for the guidance of their editors. This was in 1941.

In 1943 the Child Study Association set about making a survey of all comic magazines, through its children's book committee, in order to be better able to guide parents who sought our advice in this connection.

Our original intention was to offer some selected listing of suitable magazines in various categories. But because of the fluid nature of

the medium, the changes from month to month in any one magazine, or in the titles or in the publishing houses themselves, this proved impracticable.

It was therefore decided to list categories, and criteria for judging, which might be useful to parents in guiding their children's selections. So far as I know, ours was the first agency to concern itself with this whole subject, and we surely found ourselves groping in an uncharted field.

I should like to place this survey in evidence here, quoting from it now only that part which relates to the subject of your inquiry, crime comics.

The CHAIRMAN. Thank you very much, sir. Without objection, this document will be made a part of our permanent files, the entire document. It will be exhibit No. 15.

(The document referred to was marked "Exhibit No. 15," and is on file with the subcommittee.)

Mr. DYBWAD. I might say this study was divided into two parts, an analysis of content and according content evaluation. On crime and detective comics this was said in 1943:

Stories featuring crime, G-men, and police run through many of the magazines. As a rule the crimes are on a grandiose scale involving elaborate plotting such as bank robberies, hijacking, smuggling, gang wars, sabotage, and, currently, black-market racketeering. The inevitable pattern is that the criminals are killed or brought to justice and the law emerges triumphant. Crime does not pay in the comics. Modern methods of crime detection are played up in some stories. A few are mystery stories, but rarely of the detective type depending rather on speed and gunplay than on unraveling the mystery. Police and G-men are usually (but not always) represented as being on the job and competent.

Comment and evaluation:

Children are fascinated by tales of wrongdoing and evil. The avenging of wrongs and the punishment of evildoers is a child's own fantasy pattern and such themes run through much of their literature as well as their play. The modern setting of these stories, however, has given rise to a fear that they may "give children ideas" of things to do. The motivation toward unsocial acts lies much deeper than any casual contact with ideas on a printed page. Nevertheless, lest children already on the verge of unsocial behavior may find here a blueprint for action, petty crimes, such as pocket picking, shoplifting, et cetera, should be omitted. From the point of view of sound ethics, children are best served if crime is made unattractive and unsuccessful. The child reader is likely to be less burdened when crimes remain entirely in the adult world—committed neither by children nor against children. Such crimes as the kidnaping of a child, for example, are definitely threatening to young readers.

Mr. BEASER. I got lost. You seem to say that there is no competent evidence that what appears in the crime comics has any effect upon the child and yet you seem to say also that children should be kept away from these crime comics which serves as a blueprint for a child who is maladjusted.

Mr. DYBWAD. First of all, Mr. Counsel, I emphasize this was 1943. I each time very carefully document the year in which the statement has been made.

The CHAIRMAN. Mr. Dybwad, you were talking about the strip comics, were you not?

Mr. DYBWAD. No, in 1943 by that time there were comic books.

The CHAIRMAN. Your discussion started out about the strip comics.

Mr. DYBWAD. In 1937 it was primarily strip comics. In 1943 we already had the beginnings of a comic industry. You will see as I

unravel this how we very much come later to the point which you have in mind, Mr. Counsel, if I may proceed for the moment, and I will be glad to answer more specifically then your questions.

In 1944, the Child Study Association conducted a meeting which it announced as *Looking at the Comics: An appraisal of the many aspects of children's comics reading*. To this meeting were invited educators, parents, and specialists in many fields relating to children, comics writer, artists, and industry representatives. This meeting highlighted the controversial aspects of this increasingly popular entertainment medium for children and stimulated further critical thinking.

In 1948 our quarterly magazine, *Child Study*, published a symposium of psychiatric opinion dealing largely with the question of aggression and fear stimulated by comics reading, radio, and movies.

This article, entitled "Chills and Thrills in Radio, Movies, and Comics" brought out quite sharply the strong differences of opinion among prominent experts as to the effects of these mass media.

May I quote briefly from this symposium, which I also wish to offer in evidence, emphasizing that it represents opinion gathered more than 6 years ago?

The CHAIRMAN. Thank you, sir.

Again, without objection, this document will be made a part of our permanent records. Let that be exhibit No. 16.

(The document referred to was marked "Exhibit No. 16," and is on file with the subcommittee.)

Mr. DYBWAD. I quote very briefly this paragraph:

All those interviewed were agreed on one point: that radio programs, movies, and comics do not in themselves create fears, but for certain children and under various conditions, do precipitate or stimulate anxieties lying beneath the surface ready to be awakened. There was agreement, too, that children differ in their fear reactions to various fictional situations. It was on questions of the harmfulness, harmlessness, or positive value of these experiences for children that the greatest divergence of opinion developed.

Over and over again the experts stressed the need for careful, large-scale research studies before definitive conclusions could be reached.

Later that year, 1948, the then director of our association, Mrs. Sidonie Matsner Gruenberg, wrote an article for the magazine, *Woman's Day*, which I also wish to place in evidence and from which I would like to quote briefly.

The CHAIRMAN. That document will be made a part of our permanent records. Let it be exhibit No. 17.

(The document referred to was marked "Exhibit No. 17," and is on file with the subcommittee.)

Mr. DYBWAD. Here are a few paragraphs of interest to your committee:

Like almost any new form, the comics books begin harshly and awkwardly. They must have time to improve and refine their skills and even more time to enlist serious and responsible artists and writers. Since their inception they have improved in the drawing and writing and printing, and also in the variety and quality of their content. But if the ceiling seems to have been raised for some of the comics, the floor has also been lowered in others. Many of the promoters use the easiest appeals to reach the largest numbers, and children are the chief victims, as with all catch-penny undertakings. And numerous producers have taken advantage of the interest in comics developed through their use by the Army for educational purposes during the war. Many of these abominable and irresponsible creations bluntly exploit crime, violence, brutality,

and sexy stuff, for a readymade market of men and older boys. On the stands, these are as accessible to children as the familiar comics addressed to them.

We can no more separate the child's reading of comics from the setting in which he lives than we can separate the child from schools or newspapers or athletics or neighborhoods. The parent's task becomes that of managing, not the comics as a problem by itself, but the growth and development of the child.

We have to protect children against excessive addiction and against the most objectionable samples; and we have to guide them toward more discriminating selections. This is especially difficult because the very same violence and crudities and shrillness that we most dislike and fear in the comics assault our children through the movies and the radio as well.

We cannot fight what is objectionable in the comics (or in other commercial means of entertainment or information) by calling for more censorship or more police guards.

An association of comics book publishers is being formed to promote a code (something that a few of the larger publishers had already undertaken) to guide in maintaining standards. Time will tell how sincere or how effective this effort will be. But we need a wider and a more active and more intelligent interest on the part of parents for making their community a good place for all children to live in.

In a followup of its 1943 comics survey, our children's book committee examined in 1949, 213 magazines and found, along with some welcome changes in some categories, the following, quoted from a report I also wish to place in evidence.

The CHAIRMAN. Again, Mr. Dybwad, this will be made a part of our permanent files. Let that report be exhibit No. 18.

(The document referred to was marked "Exhibit No. 18," and is on file with the subcommittee.)

Mr. DYBWAD (reading):

The most regrettable change since the early survey has been the increased number of these magazines dealing with "real" crime, and those featuring sexually suggestive and sadistic pictures. These are presumably not addressed to children, are, perhaps, not even attractive to many of them.

Nevertheless, they are available at 10 cents for young people to purchase, and are prominently displayed on newsstands. Some of these are about as uncouth and savage pictures and stories as can be found anywhere. Any kind of decent self-censorship on the part of their publishers and handlers would have ruled them off the stands long ago, along with their counterparts in sexy candid-picture periodicals.

This is the end of that particular quote from that survey which deals more pointedly with your interest.

Mr. BEASER. You made a statement in 1949 that these are presumably not addressed to children, perhaps not even attractive to many of them.

Mr. DYBWAD. Yes.

Mr. BEASER. Is that quite in line with your 1943 findings in which you seem to indicate that some children who may be emotionally maladjusted may be attracted to these violent comics?

Mr. DYBWAD. Yes, but I think there is quite a difference between the violence, the aggressiveness which you, after all, find in our famous old stories about the Indian wars and so on, and that type of stuff of which have some examples here from which some children—now, I said some—seem to shy away because certainly we know there are lots of children who buy comics, large numbers of children, and who, although they are available for the same dime at the same place, very often don't select these comics, but the others.

So this is all we said. We neither said that the publishers might indirectly hope that the children buy them, nor that children will not buy them, but a large number will not buy them.

Nevertheless, the danger exists that there are many children who will bury them and one cannot simply say these are comic books for children and, therefore, no concern to us in children's literature.

Mr. BEASER. In your study did you also examine advertisements in these publications to see whether they were addressed to children or adults?

Mr. DYBWAD. At the various points we have talked about this. Again I must remind you that this was a study published in 1949, and I think this point Mrs. Gruenberg made in 1948 of the bottom falling down more and more, I think is an observation we all have made.

The crime and horror comics of 1949 were not quite as they are in 1943 and 1954.

Mr. BEASER. It is getting worse, you mean?

Mr. DYBWAD. It is getting worse steadily.

Mr. Chairman, in view of your committee's special concern with the effect of the sadistic and obscene crime and horror comic books which have made their appearance in recent years, I have quoted from published statements of our association to indicate to you that we lost no time in alerting the community to the problems created by these publications.

As a matter of fact, no other organization that I know of gave as much thought, time, and effort, during those early years, to a critical review of the comics as did the Child Study Association of America.

I would like to depart here a moment from my prepared statement to point out that these two studies to which I have referred are now obviously outdated in many respects. We would not have made the study in 1949 had we not thought that the 1943 study should be brought up to date and neither study has been listed or sold by us for several years.

In making this statement I am making the statement because a good deal of misinformation has recently been circulated with regard to these studies. We have not used them lately.

Mr. BEASER. In other words, your 1943 studies are now being quoted in support of your horror comics in 1954?

Mr. DYBWAD. They also have been quoted by some people as material we circulate today and most unfortunately in a recent article so described and that is a completely false and untrue statement.

We are not circulating these and have not for several years. They have not even been listed on our publications list.

Mr. BEASER. Your association's position is quite different in 1954.

M. DYBWAD. With regard to crime comics; yes, sir.

I am addressing myself to the particular interest of your committee and not to comics in general.

I have shown that as early as 1949 we presented our opinion, publicly and repeatedly, that the problems of the comics called for both sociological and psychological research and for concerted community action. As I have pointed out to you, neither one was our function, and it is regrettable that no effective action has been forthcoming from other quarters.

In conclusion, may I quote from a book brought out by the Child Study Association in 1952, entitled "Our Children Today," and published by the Viking Press. A chapter on New Arts of Communication includes the following statement which seems to me very pertinent to your inquiry here:

Not only as individual parents, for our own boys and girls, but as a community, too, we have a responsibility concerning everything that reaches children. Private conscience and public responsibility must be invoked to check the excesses in which all of these media have indulged. The willingness of some of the producers of television and radio programs, movies, and comics to exploit morbid interest in horror and violence bespeaks a greater concern for profits than for children.

The community has a right to expect that communications of all kinds shall be governed by public interest rather than by survey ratings or circulation figures. "Public" includes children. Not all programs or movies or comics can be geared to the young. But to pile up horror and violence in programs or movies deliberately timed to catch the children's eyes and ears suggests a flagrant disregard for their welfare. The combined resources of an informed community can be drawn upon for standards and criteria as to what is and what is not suitable for young listeners and readers. The combined skills of the industries and specialists in communication might well be focused on more creative achievements for children.

Comic books are of many kinds and varieties. Ever since 1916, the Child Study Association of America has consistently evaluated children's books and magazines, published book lists for parents, and prepared anthologies of children's stories which have become hallmarks of good children's reading.

Our work in this field has won universal recognition and has contributed not only to the marked increase in children's reading, evidenced by library and book sale figures, but also has helped to achieve the increasingly high quality of today's books for children.

Similarly our association has tried to assist in promoting higher standards in comic-book literature. Obviously much remains to be desired.

If out of this committee's deliberations there will come new and positive suggestions as to how this aim can better be furthered, a real contribution will have been made to the well-being of our children.

The CHAIRMAN. Thank you very much, Mr. Dybwad. You did, at the outset, mention something of the Child Study Association of America, but for the record would you give us a little more information about this organization, its history, when it was organized, what its internal structure is, and so on?

Mr. DYBWAD. It is an organization which goes back to 1888. It has functioned under several names, Federation of Child Study, Society for the Study of Child Nature. Its present name and incorporation took effect in the District of Columbia in 1924.

Since that time we have operated under that name. We are an organization which is governed by a board of directors of outstanding citizens. We have an advisory board of prominent men in the field of education, psychiatry, sociology, social work, and related fields concerned with the well being of children.

Our activities are many. Children's reading is only one of them. We have been concerned with the publication of books and pamphlets and articles for children and since you asked the question, I can present to you a list in which such publications are made available to the public.

The CHAIRMAN. This document will become a part of the record, Mr. Dybwad. Let it be exhibit No. 19.

(The document referred to was marked "Exhibit No. 19," and is on file with the subcommittee.)

Mr. DYBWAD. Since the earliest years of our organization we have specialized in parent discussion groups, in groups of parents coming together for the discussion of problems of child development for the purpose of achieving a greater competence as parents.

We have worked with mass media. The Child Study Association had the first radio program in the field of parent education. We have been consultants to radio, TV, and to other organizations in these fields.

The CHAIRMAN. Do you have an annual budget?

Mr. DYBWAD. We have an annual budget, a rather small annual budget for a national organization, and there is no secret about it. Our annual budget is about \$125,000, sir, which comes from contributions, from foundations.

We have a membership, we have a quarterly magazine, Child Study, which goes across the country into many foreign countries.

We have had, through the decades, consistently high relations, international as well as national.

The CHAIRMAN. Do you work very closely with the Children's Bureau?

Mr. DYBWAD. Well, we have had consistent contact with the Children's Bureau through the years. We have had contact with them in several fields, most lately with their public health nursing department because they are interested in working with us and we with them, in terms of improving the skills of public health nursing.

The CHAIRMAN. The reason I ask is that we find that they have certain budget needs that somebody has to meet some day and probably the Congress will have to meet those needs.

Do you know anything of that problem?

Mr. DYBWAD. Yes, sir. I have been in public welfare for a long time. Perhaps the most notable thing which binds the Children's Bureau and us together is mutual poverty, Mr. Chairman.

The CHAIRMAN. That is quite likely a common occasion.

All right, counsel?

Mr. BEASER. Mr. Dybwad, you were formerly the child welfare director in the State of Michigan?

Mr. DYBWAD. Yes, sir.

Mr. BEASER. Do you have a background in social work?

Mr. DYBWAD. I do, sir, and law.

Mr. BEASER. As a person with a background in child-welfare work, what is your opinion of the material, crime, and horror comics? What is your opinion of their effect upon children?

Mr. DYBWAD. Now, I want to speak slowly and deliberately so that we carefully segregate the various categories.

If you refer to much of what you just now removed from your exhibits, I would like to talk there on two levels.

The one is the individual effect of a comic book on a given child's reading.

The other is the cumulative effect in a community where this type of literature in effect becomes the only literature readily available to children where this type of literature is displayed on every street corner and characterizes the climate of the community.

I think there is no question that this is a symptom, this kind of comic-book distribution in certain sections of our city, and, of course, I am aware not only from New York, but from the Middle West that

there are certain stores which feature these and that these certain stores are usually found in areas which are already depressed and typical of many other socially inappropriate matters as the third and fourth grade saloons and all the other establishments which go with vice and crime.

Mr. BEASER. And in the high-delinquency area, too?

Mr. DYBWAD. In the high-delinquency area we find these crime comics and they have, cumulatively, a very bad effect.

Now, I come secondly to the effect of these crime comics on individual children. There I am in a more difficult position to make specific statements because as one who has had clinical contact I was associated for many years with the psychiatrist for the New York State Training School for Boys at Warwick. I was clinical director of the State training school in Michigan, and previously I worked in reformatories where you have the older adolescent group, both in New Jersey and the State of Indiana and for sometime here in New York State.

I have had contact with literally thousands of young delinquents. Clinically, I cannot offer, sir, a single instance which has come to my attention which, should I say, happened to come to my attention, in which we were able to link a given offense with the reading of that particular individual of a given comic book. I know such statements have been made from time to time. I don't dispute them. I have never seen them clinically documented.

I have only seen wild statements without any kind of clinical evidence.

I would say, however, that I am well aware that there are certain boys who have been attracted to these comics along with many, many undesirable habits. They also were addicted to very heavy smoking, they were drinking in the very early teens, they had very aggressive sexual impulses which they acted out, so I would say, of course, I am aware, not from my present activities, but you went back to my professional task, in those years, of the fact that these comics were part and parcel of the life of a child delinquent.

I wouldn't deny that there might be such a connection, Mr. Counsel. I only say so far I have not seen the clinical evidence.

I think we should hope that, for instance, a person like Dr. Peck or others in a position to make such studies would give very serious thoughts to a clinical evaluation of this.

Mr. BEASER. Dr. Peck testified yesterday. If you were running the training school in Michigan, would you as director permit some of these horror and crime comics to be circulated among the boys?

Mr. DYBWAD. No.

Mr. BEASER. Why?

Mr. DYBWAD. For this reason, sir, when you deal with other people's children you have particular responsibility to exercise much greater care than if you deal with your own child. When you run a training school you must try to meet a common denominator of most parents, and therefore, regardless of the fact that perhaps some of these parents would not have objected, others would, and therefore, as a matter of public policy when you are dealing in a public institution, this type of comic book was not allowed.

Now, that has nothing to do, sir, with the fact that we had or had not evidence that they were harmful. When you run a training

school, you take certain precautionary measures regardless as to whether you have proof that anything is definitely harmful. This was a policy of our educational group and I assure you in both institutions this type of comics was not allowed.

However, comic books were allowed.

The CHAIRMAN. When you found them they were removed promptly.

Mr. DYBWAD. They were removed promptly which, of course, was difficult, Mr. Chairman, because I think we might now well say here that this was not just the literary fare of our children, but also of those who took care of the children. Therefore, to what extent there was an exchange of comics between the people in charge of the children and the children themselves, you can speculate yourself.

Therefore, also, it was difficult to effect a distinct policy. In general, our staff had the mandate to remove undesirable comics. The cottage father in cottage A might employ quite different standards from the cottage father in cottage C.

We had no list of comics. As you know, from the problem your committee faces, you can't list them, every month there are some new ones. But there was definitely the policy, since there was serious question about these comics, and I think nobody has raised the question that there is a question about these comics, that they should be kept from children.

Mr. BEASER. The question is the extent of the effect upon delinquency of these crime and horror comics.

Mr. DYBWAD. That is right.

Mr. BEASER. And also the emotional upsetting of children.

Mr. DYBWAD. That is right.

Mr. BEASER. We had, yesterday, exhibited a crime comic in which a child was placed in a foster home. To make it brief, the foster parents turned out to be werewolves and the child turned out to be a werewolf and everybody eats everybody.

As a child-welfare worker, what effect does that have on a child about to be placed in a foster home?

Mr. DYBWAD. Of course, this kind of comic book which, by the way, relates very closely to a very famous comic strip in the newspapers which for a long time was exceedingly harmful, just as harmful as crime comics, by its sadistic distortion of the social-work profession—and you know what I am referring to—this kind of thing is exceedingly damaging because you are dealing there with a specific type of child, a child who typically has been deprived of the most essential care in the early years, a child who is particularly insecure and sensitive in terms of the one thing he doesn't have, a home.

And, therefore, any kind of phantasy which suggests that a home he might go into might have such factors is patently terrible, and I must say that a person who prints such a thing must have sadistic tendencies themselves, which are quite unusual, because that is not stupidity.

This is purposeful sadism.

Senator KEFAUVER. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes, indeed, Senator Kefauver.

Senator KEFAUVER. Mr. Dybwad, what is your salary as director?

Mr. DYBWAD. \$10,000, sir.

Senator KEFAUVER. Of the Child Study Association of America?

Mr. DYBWAD. Yes.

Senator KEFAUVER. How long have you been in this position?

Mr. DYBWAD. Two and a half years. Most of the things I have reported, practically all, took place before I was with the association.

Senator KEFAUVER. You are also a lawyer, you say?

Mr. DYBWAD. I had legal training. I specialized in the field of criminology and penology.

Senator KEFAUVER. You do not have any cases for clients?

Mr. DYBWAD. No, sir; I am not a practicing lawyer. I am not admitted to the bar.

Senator KEFAUVER. You do not accept any retainers from anyone?

Mr. DYBWAD. No, sir.

Senator KEFAUVER. So your \$10,000 is your own professional salary?

Mr. DYBWAD. In New York University, where I am teaching in the evening, is giving what they refer to as compensation.

Senator KEFAUVER. I think I understand what you mean.

Do you have children?

Mr. DYBWAD. Yes, sir; two children beyond the comic-book age.

Senator KEFAUVER. You were talking about the care you take with other people's children. Do you allow your children to read this kind of comics?

Mr. DYBWAD. Very interestingly they have not read them. They have not read that kind of comic. In other words, while I think it is exceedingly dangerous to generalize from one's own family, nevertheless if you want a case in point, while my children read comics in large quantities they never bought, exchanged, brought home, had hidden in their rooms or otherwise in their possession, this type of crime comic. Whether that reflects on their mother's high ethical standards, I do not know, but this is the fact.

Senator KEFAUVER. Mr. Dybwad, there is something I find a little difficult to understand. You have gotten out various and sundry reports. Here is a report by Miss Josette Frank back in 1949 quite favorable to comics generally.

Mr. DYBWAD. In general, yes.

Senator KEFAUVER. And here is one by Josette Frank back in 1948 quite favorable to comics?

Mr. DYBWAD. That is right.

Senator KEFAUVER. Here is one by Mrs. Gruenberg. This was reported in Woman's Day in 1948, quite favorable to comics.

Mr. DYBWAD. Yes.

Senator KEFAUVER. This is the one that the comics industry, Gaines and the people who publish these horrible comics, which undoubtedly do very much harm—these are articles that they always quote in support of their position. We also had reports back in 1941, 1942, and 1943; I have forgotten the dates, all quite favorable to comics.

Mr. DYBWAD. Yes.

Senator KEFAUVER. If you want to really be fair about the matter and follow up your testimony here today as to the kind of comics that we are investigating here, the playing baseball with heads, violent murder, cutting off people's heads with an ax, why not get out a report about these instead of just the favorable ones?

Mr. DYBWAD. We have, sir.

Senator KEFAUVER. I have not seen it.

Mr. DYBWAD. I think the point I quoted——

Senator KEFAUVER. What report are you referring to?

Mr. DYBWAD. In 1949 when I said some of these were "as uncouth and savage pictures * * *."

Senator KEFAUVER. Is that from Miss Frank's report?

Mr. DYBWAD. A survey in 1949 in which she participated.

The CHAIRMAN. The Chair might say to the Senator from Tennessee that Mr. Dybwad put about 3 or 4 reports in the record this morning.

Senator KEFAUVER. They were all fairly favorable and I have read those you furnished here. Of course, you do say that some of the horrible ones are not good and then you go on to minimize and water it down and say, after all, it is not a very important matter.

What I am getting at is that Miss Frank has written several reports for you.

Mr. DYBWAD. That is right.

Senator KEFAUVER. Then, of course, Mrs. Gruenberg has written reports for you?

Mr. DYBWAD. That is right.

Senator KEFAUVER. Is she on your staff?

Mr. DYBWAD. No longer.

Senator KEFAUVER. Is Miss Thompson on your staff?

Mr. DYBWAD. No.

Senator KEFAUVER. Miss Frank is no longer on the staff?

Mr. DYBWAD. Oh yes; she is a part-time employee of our organization.

Senator KEFAUVER. Who heads up your staff? Who writes the reports?

Mr. DYBWAD. In this particular field this would be Miss Frank, because she is the educational associate of our children's book committee.

Senator KEFAUVER. Let us stay with this a minute. In other words, this supervising, reading comics and giving the position of the Child Study Association of America as to what effect they have upon children, that is in charge of Miss Frank; is that correct?

Mr. DYBWAD. Staffwise. However, if you will permit me, Mr. Chairman, I will have to point out one fact. Throughout the period we have worked with children's books, we have worked through a children's book committee. I pointed out before that Miss Frank is a staff consultant to that committee. This committee meets every week.

In other words, it is not an inactive committee, it is a committee which meets every week at our headquarters, is the one which actually does the reviewing of books.

It is not so that Miss Frank reviews all books and then passes on her criteria to the committee. It is the other way.

Senator KEFAUVER. Here is one report, Looking at the Comics—1949, by Josette Frank and Katie Hart, for the committee.

Mr. DYBWAD. That is right. In other words, that report was written by them and Katie Hart was a committee member. Miss Frank was the staff associate.

In the first report you will find that the chairman of the committee is listed, and Miss Frank as educational associate.

Senator KEFAUVER. We all know in the actual working of the matter the committee comes in, the staff director who is giving it full time is actually the one who does the research and reading and has the principal hand in guiding and directing what is in the reports. Is that not true?

Mr. DYBWAD. Senator Kefauver, I wish——

Senator KEFAUVER. Try to tell me.

Mr. DYBWAD. I wish you could within 15 minutes go to 132 East 74th Street where you would meet 20 ladies of varying ages, social positions, professional background, and number of children, engaged, if not in physical, at least in verbal combat about the children's books they have read in the past week. This is an active committee and always has been which meets weekly, which has 20 to 30 active members, nevertheless, and 15 or 20 would be present at any one meeting.

Senator KEFAUVER. Anyway, Miss Frank is the head of the staff that handles the comics and places evaluation on them?

Mr. DYBWAD. That is right.

Senator KEFAUVER. Who is Laurretta Bender, M. D.?

Mr. DYBWAD. She is a senior psychiatrist at Bellevue Hospital, which is one of the institutions. I think she is one of the most distinguished personages in the field of child psychiatry.

Senator KEFAUVER. She has something to do with this?

Mr. DYBWAD. She was one of many people whom we in those days asked for their opinion and Laurretta Bender is in this particular study, matched, for instance, by Dr. Alpert, who had a radically different point of view from Dr. Bender.

None of these people was connected——

Senator KEFAUVER. Well, we are beating around the bush about this. In the child-study format here you have, and let me read a little part of this which you put out to the children:

A discussion of children's fears: Child studies have suggested inquiry into the possible relation of movies, radio, comic thrillers to fear in childhood. Accordingly, the following psychiatric opinions have been gathered by Josette Frank and are presented here for the guidance of parents. Miss Frank is educational associate on the Child Study Association staff and consultant on children's books, radio, and comics.

Nathan W. Ackerman, M. D., psychiatrist, is director of the Child Development Center in New York City. Laurretta Bender, M. D., is the associate professor of psychiatry, New York University Medical School.

Then you go on with some other people. Now, it is strange to me how, if you are giving out directions to parents, how frankly your associate is taking the part of the comic-book industry. Why do you not say here that Josette Frank, in addition to being with Child Study Association, is also the consultant on the children's reading, or consultant on the editorial advisory board of Superman, D. C., National Comics, and is paid by the comics-book industry?

Mr. DYBWAD. Wait a minute, sir. Please don't say that she is paid by the comic-book industry. This is not so. She is paid by a particular comic-book publisher. I want to put this on the record very strenuously which is quite a difference.

When I work for the Schlitz Brewing Co., I don't work for the beverage industry. I work for one particular company and I may have my good reasons why I work for Schlitz and not for Ballantine.

Senator KEFAUVER. I know, but you are giving her credentials here. You are giving her good credentials, but you do not say to the parents that are reading this and want to be guided by her that she is also paid by a leading comic-book publisher. Why do you not give both sides of the picture?

Mr. DYBWAD. The assumption is that there are both sides to it. Miss Frank has also been a consultant to innumerable book publishers.

Senator KEFAUVER. Here is Mrs. Gruenberg. Mrs. Gruenberg writes a very, very favorable article in favor of comic books.

Mr. DYBWAD. She certainly does not.

Senator KEFAUVER. Reading it all in all, it is quite favorable. It minimizes the horrible-crime ones.

Mr. DYBWAD. It does not, sir.

Senator KEFAUVER. She is writing about Mickey Mouse and Little Abner.

Mr. DYBWAD. It does not. I think from what I put in the record, you could not by any means say—Mrs. Gruenberg speaks here “many of those abominable and irresponsible creations bluntly exploit crime, violence, brutality, and sexy stuff.”

If that is an endorsement of crime comics, sir, I don’t know.

Senator KEFAUVER. But, sir, in the back in her conclusions there is no condemnation. It just says “we cannot fight what is objectionable in the comics—or in other commercial means of entertainment or information—by calling for more censorship or more police guards. An association of comics-book publishers is being formed to promote a code—something that a few of the larger publishers had already undertaken—to guide in maintaining standards. Time will tell how sincere or how effective this effort will be.”

The CHAIRMAN. What is the date of this, Senator?

Senator KEFAUVER. 1948.

But we need a wider and more intelligent interest on the part of parents for making their community a good place for all children to live in.

The paragraph preceding that is rather easy.

Now, Mrs. Gruenberg, has she not had some connection with comic books?

Mr. DYBWAD. She had a long time ago, several years ago, sir, as evidenced in the hearings of your own committee. I want to point out that these things have been a matter of public record for years and years.

Senator KEFAUVER. Why up here does she not list the “Director of Child Study Association when it also would be fair to give parents notice that Mrs. Gruenberg was also on the pay of the comic-book industry?

Mr. DYBWAD. She was not on the pay of the comic-book industry, sir. That is not a correct statement.

Senator KEFAUVER. Of one of the publishers of comic books?

Mr. DYBWAD. Of one of the publishers of comic books.

Senator KEFAUVER. Here are two principal people you are using through a fine-sounding association which undoubtedly some good people are members of, feeling they can do some good. Two people you are using in the comic-book field who evaluate comic books, crime and horror books, turn out to be paid or to have been paid by publishers of comic books themselves. Is that not true?

Mr. DYBWAD. Yes, sir.

Senator KEFAUVER. Do you think that is a fair presentation.

Mr. DYBWAD. It is a perfectly fair presentation.

Senator KEFAUVER. If you think that is fair, then that is all I want to know about your association. I think it is traveling under false colors. I think you ought to at least give the fact that these people are paid or have been paid by comic-book publishers.

I do not think it is a fair evaluation to leave to parents of children these rather favorable appraisals of horror and comic books written by someone who has been paid by the publishers without you even divulging the fact.

If you had stated it in here, then they would be on guard.

But according to all this literature they occupy some big position with a school and hospital and you conceal the fact that they were paid.

I would like, Mr. Chairman, at this point, to read the footnote on page 223.

The CHAIRMAN. The Senator from Tennessee may proceed.

Senator KEFAUVER. From Dr. Wertham's book, *Seduction of the Innocent*, it is footnote 4. I will read the preceding paragraph and then the footnote if I may:

The names of experts for the defense and of the institutions with which they are connected have been printed in millions of comic books and are full-page comic-book advertisements in the *Saturday Evening Post* and the *Saturday Review of Literature* and are statements of publishers or their spokesmen. The chairman of the section of the criminal law of the bar association commenting on the writer in the two special comic book issues of the *Journal of Educational Psychology* found it "disappointing" that in a purportedly objective study, experts do not make a complete disclosure of their interest. He mentions that when he wrote to one of the experts to write about this, she did not respond.

Then the footnote is:

According to the Kefauver Senate Crime Committee (special committee to investigate organized crime in interstate commerce), the following persons, among others who are thought of as individual critics by the public have been or are employed by the comic book industry:

Dr. Jeanne A. Thompson, acting director, Bureau of Child Guidance, Board of Education, New York City; Sidonie Gruenberg, professor of education, New York University; Dr. Lauretta Bender, child psychiatrist in charge of the children's ward of Bellevue Hospital, New York City; Josette Frank, consultant on children's reading, Child Study Association of America.

The amount paid ranged from \$300 a month over a period of many years. One expert, Professor Zorbaugh, served as research consultant in *Puck*, the comic weekly. One comic book publisher alone spent \$750 a month on four children's experts who endorsed their products.

Dr. Bender is also on this list, I believe, is she not, as one of your people?

Mr. DYBWAD. That is right. She is one of the persons.

Senator KEFAUVER. Mr. Chairman, I just say under those circumstances, while I do not question the personal integrity of this witness, the opinion of the Child Study Association in the comic book field will have little weight with me.

The CHAIRMAN. In the light of the colloquy which has taken place between the Senator from Tennessee and Mr. Dybwad, I think it might be well, sir, if you would furnish for the record a list, a complete list of the membership of your organization. Could that be done?

Mr. DYBWAD. Goodness, sir, this would be quite a task. I think it could be accomplished.

The CHAIRMAN. You have a board of directors, too?

Mr. DYBWAD. We have a board of directors of citizens.

I think I am representing an organization which has worked for 65 years. I should have an opportunity now, Mr. Chairman, in all fairness, to defend not myself, but all the board of directors against the accusations and I am sorry to say the misconstructions.

The CHAIRMAN. I am sorry to say, Mr. Dybwad, there have been no accusations. The Senator has a right to observe.

Mr. DYBWAD. That is right, the observations which were made here.

Again I emphasize I have no personal interest in the particular matters because I made a point to say that all this transpired before I came to the Child Study Association.

Senator HENNINGS. Mr. Chairman.

The CHAIRMAN. The Senator from Missouri.

Senator HENNINGS. Mr. Dybwad, how is your association supported?

The CHAIRMAN. That is in the record, sir.

Mr. DYBWAD. It is in the record. Memberships, contributions, foundation support, sale of literature, consultation fees from the book industry because not only have we served the comic books industry, we are serving constantly the book industry.

Like any university, we get fees for our services and we have never felt that there was anything untoward about this.

Senator HENNINGS. Mr. Dybwad, do any of the publishers of these books contribute to the support of your organization?

Mr. DYBWAD. Definitely. Publishers have contributed to the Child Study Association for years and years in varying amounts.

You will find the most distinguished publishing houses in this country over a period of 20 and 30 years have contributed.

Senator HENNINGS. Do a number of the publishers of the so-called crime and horror comics contribute to the support of this organization?

Mr. DYBWAD. I think you would hardly find anyone of the crime comic book publishers listed.

Senator HENNINGS. You say hardly find.

Mr. DYBWAD. I can say this for the record, positively. I know of no one publisher who specializes in the particular comic books you have pointed out here as horror crime stories who under the name of his publishing firm contributes.

But, sir, you will not get me under oath to deny that somebody might contribute. I don't know what Mr. X——

Senator HENNINGS. I am not trying to get you under oath to deny anything you do not want to deny.

Mr. DYBWAD. I can make this definite statement, that not a single publishing house under its own name contributes.

I also can say to the best of my knowledge not a single individual connected with this industry contributes.

But I cannot possibly know whether one of these persons or his wife might not be a member. I have no such knowledge—a detailed record.

Senator HENNINGS. Then you are suggesting that possibly the wife——

Mr. DYBWAD. To the best of my knowledge, no relative of any one of these publishers, no friend, associate in any way, has, to my knowledge,

which goes back to 2½ years, contributed in any way, shape, or fashion to the Child Study Association of America.

Senator HENNINGS. Mr. Chairman, have we a list or has there been requested a list of contributors?

Mr. DYBWAD. I can give you an alphabetical list.

The CHAIRMAN. And the record of the board of directors.

Mr. DYBWAD. The board of directors.

Senator HENNINGS. And of the contributors?

Mr. DYBWAD. Of the contributors. You can have a complete list, and members, too, I mean, because in effect they might be the same. This is published information.

Senator HENNINGS. Do you not think it would be to your advantage, certainly, assuming that what you have told us to the best of your recollection is sustained by the facts, to have such a list and have that made a part of the hearing?

Mr. DYBWAD. The only difficulty is that we do not have such a list readily available, but it can be produced. The membership list I can produce immediately because naturally we have them on stencils.

(The documents referred to were received at a later date, marked "Exhibit No. 20," and are on file with the subcommittee.)

Senator HENNINGS. You do not feel, then, sir, that your organization is what might be called a front for the publishers of these crime magazines?

Mr. DYBWAD. No more than fronts for Viking, Harpers, Whitman, Doubleday—name any one of the large publishers who have liberally contributed over decades—and I make this point—to us in the face of the fact that we are reviewing books of these very same publishers.

Therefore, there is no differentiation as between the publishers.

I want to go on record, for instance, here and gladly point out that some of these publishers' gifts to us have been a considerable amount of money. This is, I think, the usual way in which organizations of this type are maintained and this is the reason why such organizations of a board of directors have lay people, leading citizens in a community, upon whose good name and reputation rests the reputation of the organization.

And for that reason I will be very pleased to submit this list.

Senator KEFAUVER. Actually, you know a lot of organizations get good names to be out in front for them.

Mr. DYBWAD. That is right, sir.

Senator KEFAUVER. They get committees of high-sounding names, but the important thing is, who back in the staff is doing the work and the research and preparing the reports and guiding the thing.

So my own observation is that in the field of comics the people you rely upon, three people, and the only ones here I have seen that you base your study on, are Mrs. Gruenberg, who has been in the pay of comic publications; Dr. Bender on the pay of the advisory board, and being paid by one; Miss Josette Frank, who is either being paid or has been paid by the comic books.

So as far as I can see, your comic book section of your child study group is certainly colored by the fact that these people are not working primarily for you. They are working for the comic book publishers.

So that I think you have perpetrated—well, I would go so far as to say that you have deceived the public in presenting these reports, coming from a high-sounding association, with undoubtedly a good name, and I am sure you do a lot of good work, by putting out advice to parents, when the principal direction and the writing is being done by people who are in the pay of the industry, or publishers themselves, particularly when you do not divulge that fact.

Parents have a right to look at this, and they say, "Well, here this person, Dr. Laretta Bender, is professor of psychology at the New York University, and member of the advisory board of the children's Child Study Association," whatever she is.

In fairness to the public it ought to be "paid by the comics," the same is true of Josette Frank, the same is true of other persons.

Of course, you would not do that because then they would lose their nonpartisan approach to the matter.

I think this part of your study is a fraud and a deceit to the public and the public ought to know about it.¹

The CHAIRMAN. The Chair would like to hear from you on that, Mr. Dybwad.

Mr. DYBWAD. There are two points. No. 1, Senator, you were in conversation perhaps and did not hear when I very deliberately pointed out, and I want to repeat this very carefully for the record, that these studies, as all our work on children's reading, are done by a committee. I pointed out very specifically that this is a committee which meets weekly—

Senator KEFAUVER. Just one minute here, sir. Here is Woman's Day, September 1948, put out by the Child Study Association. You were so proud of it, sir, you brought it up here to be put in the record. This came from you, written by Sidonie Gruenberg and shows a couple of happy children reading I don't know what kind of crime books. That is no study by any committee.

Mr. DYBWAD. I am sorry this is not the study I referred to. I put in evidence 2 studies; 1 in 1943 and 1 in 1949. Those are the only studies I referred to here.

Senator KEFAUVER. Why do you not get out a study for 1954, and talk about these books?

My conclusion is that you are not doing this for the reason that your people, and perhaps your association, too, are being paid by the industry itself and that you do not want to criticize, very much, anyway, the crime book industry.

Now, I cannot see why, in view of the fact that these horror and crime comics have taken so much a turn for the bad, you would go on and let people quote what you said in 1949 and 1943. Why you do not go out and get another one and bring it up to date and condemn, as

¹ The Child Study Association of America, Inc., issued a supplementary statement on the relations of the association to the comic-book industry which included the following: "In 1944, Mrs. Sidonie M. Gruenberg, who was for 25 years the director of the Child Study Association of America, acted with 2 other educators as consultant to Fawcett Publications for a period of 10 months. These individuals met with writers and artists, helped to establish criteria and to see that these criteria were followed. In 1941 National Comics Publications asked the association to help them to improve their publications and keep them safe for young readers. The board of directors gave this request serious consideration. It then agreed that Miss Josette Frank should accept the major responsibility for working with this publisher. As a part-time member of the association's staff, the board felt that she should be free to make her own arrangements as to fee. The board also decided that the association, working through its total staff, and with the children's book committee, should assume a supervisory relationship to this project. For this service, the association has received \$50 monthly." An investigator for the subcommittee found that Fawcett Publications contributed about \$1,500 to the Child Study Association of America, Inc., in 1943, 1944, and 1946, and National Comics contributed \$2,500 to the association between October 1947 and November 10, 1952.

you have slightly here, anyway, reluctantly perhaps, condemned this kind of horror comics.

The CHAIRMAN. The Senator from Tennessee has made his position in this matter emphatically clear.

I would like to hear from the witness now.

Mr. DYBWAD. It is a little difficult for me to have to go back repeatedly to my original statement. I pointed out before, sir, that our association by its avowed purposes is not a social action organization, is not an organization in the field of delinquency.

We have never in any other respect worked in this particular field. Therefore, it is entirely within keeping of our purpose that we have merely, as I have said in my statement, alerted, and I think if you will read over my statement, the combined statements, and they are very strong, they go back to early days when people had not yet written popular articles. This was stated at a time when other people had not yet spoken—this is a fact I want emphasized—we had called attention to these things, but we are not the National Probation and Parole Association, we are not the United States Children's Bureau, and you know the testimony which came to you as chairman of the previous committee from them.

We are not an agency working in the field of delinquency, never have; this is not our purpose.

Therefore, we called merely, as I pointed out in my statement, at several times for community action, but it was not our place to do so.

I said very specifically other organizations in this country, many of which I support with my own contributions because I have been in this field, are presumably working in this area.

Therefore, when you raise a question, why have we not done something, I think the question might well be put, why has nobody else done anything?

At least we have very specifically and I emphasize very specifically strenuously, you can't say more than these things should be off the stands.

I think that makes it a very pointed thing. We didn't say they might be harmful, but that they should not even be around.

I think we have made our position clear, but we are not a social action group and particularly not a social delinquency group, but others are in this country and, therefore, I must say that in all fairness the question should be put to the other organizations who were apprised by us of this situation.

This was the first point.

The second point which I must make is this: the particular comic book publisher for whom our staff associate is adviser, and which is one of the largest publishers of comic books, to my mind, does not particularly, by his products, play a role here in this committee.

For instance, when counsel talked about advertising matter, being aware of the fact that this had not played a particular role in these earlier studies I went through every single issue of the last issue of these things and I would like to find someone pointing out to me one advertisement which is of the nature which Mr. Beaser refers to.

Now, I personally don't think much of the Atlas strong boy, it is poor taste. There are some people who even feel there might be some question how good it is.

But in general these advertisements here seem to be the popsickle, the twin bicycle, and that is about all.

So, No. 1, in terms of advertisements in these books, and I repeat I went through every single one of the latest editions, this being a popular magazine, of course—the June and July editions is already there—there is not one advertisement which I found was in any way objectionable.

I went through these with great labor, I wouldn't read a comic strip in a newspaper, if you paid me for it. I have never read comics; I never understood why my children read comics, but dutifully appearing before your committee, I looked through these things.

Many of them are in poor taste, but unless you say, sir—and let us be very specific—that Gang Busters should be off the air because whatever broadcasting company produces this is working on the same cheap level as the crime publishers you are referring to, unless you say that Mr. District Attorney is a radio program which is so offensive that it should be off the air and with the endorsement of many of these programs, by the FBI, by Mr. Hoover, by the chiefs of police, unless you say that, I would say unless you see any connection in this investigation, which counsel assures me was an investigation of crime comics, with a particular publisher to whom our consultant has given service—as a matter of fact, repeating what I have said before, that comics to me are distasteful entertainment and that I indeed was very glad when the day came when comics were no longer regular fare in my house in competition with books, but now books alone seem to entertain my children—I would say with that proviso before that this is not something to my taste, that we can point not with pride, but with satisfaction, sir, to the job which has been done by that particular publisher—I don't care to name his name—if the committee wants it, all right—but that particular publisher is keeping these particular comic books on a distinctly higher level—and again I am careful, I say on a distinctly higher level—than any comic books to which your committee wants to address yourself.

Now, I can readily see that some people will indeed say, Gang Busters, along with comics, as well as radio programs, Mr. District Attorney, Mr. Hoover's FBI program, all are potentially distasteful.

I could sympathize as a grownup person with such a view, but that would be rather an extreme view and a kind of censorship which would be intolerable.

But I say as far as comic books go, I am content to stand on the record, and I want to make myself quite clear, on the record, which shows that this particular publisher has exercised infinitely greater care with those publications.

There is a good reason for it because work is being done. I have in my files letters in which, for instance, our educational associate, Mr. Counsel, protested a certain advertisement, not the kind you meant—it wasn't an advertisement about guns—but it was a question of good taste and our consultant wrote a fairly long letter to the company and said, "I wonder if we are not slipping in our code."

I don't think, Mr. Chairman, I need to present in evidence the particular code of that organization. You have it in your files, your counsel assured me.

The CHAIRMAN. Are you talking about the code that was promulgated in 1948?

Mr. DYBWAD. No. You see that is why I wanted in all fairness to insist on differentiating the industry from the individual publisher. This is a code, if the counsel does not have it, I certainly shall put it in

evidence gladly here, a code for the educators of that particular group of publications.

I have no hesitancy to let you see this.

The CHAIRMAN. Without objection, it will be received and incorporated in the record at this point. Let it be exhibit No. 21.

(The information referred to was marked "Exhibit No. 21," and reads as follows:)

EXHIBIT No. 21

NATIONAL COMICS PUBLICATIONS, INC.

EDITORIAL POLICY FOR SUPERMAN D-C PUBLICATIONS

1. *Sex*.—The inclusion of females in stories is specifically discouraged. Women, when used in plot structure, should be secondary in importance, and should be drawn realistically, without exaggeration of feminine physical qualities.

2. *Language*.—Expressions having reference to the Deity are forbidden. Heroes and other "good" persons must use basically good English, through some slang and other colloquialisms may be judiciously employed. Poor grammar is used only by crooks and villains—and not always by them.

3. *Bloodshed*.—Characters—even villains—should never be shown bleeding. No character should be shown being stabbed or shot or otherwise assaulted so that the sanguinary result is visible. Acts of mayhem are specifically forbidden. The picturization of dead bodies is forbidden.

4. *Torture*.—The use of chains, whips, or other such devices is forbidden. Anything having a sexual or sadistic implication is forbidden.

5. *Kidnaping*.—The kidnaping of children is specifically forbidden. The kidnaping of women is discouraged, and must never have any sexual implication.

6. *Killing*.—Heroes should never kill a villain, regardless of the depth of the villainy. The villain, if he is to die, should do so as the result of his own evil machinations. A specific exception may be made in the case of duly constituted officers of the law. The use of lethal weapons by women—even villainous women—is discouraged.

7. *Crime*.—Crime should be depicted in all cases as sordid and unpleasant. Crime and criminals must never be glamorized. All stories must be written and depicted from the angle of the law—never the reverse. Justice must triumph in every case.

In general, the policy of Superman D-C Publications is to provide interesting, dramatic, and reasonably exciting entertainment without having recourse to such artificial devices as the use of exaggerated physical manifestations of sex, sexual situations, or situations in which violence is emphasized sadistically. Good people should be good, and bad people bad, without middle-ground shading. Good people need not be "stuffy" to be good, but bad people should not be excused. Heroes should act within the law, and for the law.

Mr. DYBWAD. It is a publisher which lists our staff member as an associate. These people have come to us with questions.

Again I want to be careful not to advertise the company. I will say that within 6 months' time they consulted us on a commercial proposition which was brought to them regarding the exploitation commercially of one of their comic figures with some commercial article and on advice of one of our consultants this project was dropped.

I can stand on this record, sir, and I will say this: if after this hearing today my board of directors would come to me and say, "Don't you think we should put before this employee the ultimatum to resign from that position?" I would say "No."

For this reason, sir: You hardly can say that it is deceiving the public when you allude to a fact which has been printed, now I don't know how many times, because this is not a secret arrangement. This is not a secret retainer some lawyer gets from a company which nobody knows about.

This is a matter which is printed in every one of these comic books so that any parent who sees Peter Pan today in his child's possession knows right there that Josette Frank is a consultant.

Now, I am not a mathematician. I can't imagine how many times it has been printed, but it seems to me quite a strange statement to say that this was done sort of behind the backs of the public.

Senator HENNINGS. At this point, may I ask one question on that point?

Do these consultants who take fees from the publishers turn the fees over to your association?

Mr. DYBWAD. No, sir; and I will tell you why not.

Senator HENNINGS. You do not know what the fees are?

Mr. DYBWAD. I don't know what the fees are. I will tell you this, sir: No. 1, very important—Miss Frank is a half-time employee of the Child Study Association of America. She is working for us 21½ days by hourly count, you see. So that she is not doing this work on our time.

It was merely felt that there should be no secret made that this was her regular employment.

No. 2: This goes back considerably in our records. I could not perhaps even produce the record, but only the record of board members. When this offer was made there was a discussion in our board of directors as to whether it was appropriate for our consultant to thus be engaged.

Now, that goes back to 1941. It was the opinion of our board of directors that if a comic publisher whose products they surveyed at that time, I mean the board of directors, which seemed to them as unobjectionable as comics can be to an intelligent, mentally alert person, it seemed to them when a comic publisher of repute, who tries to produce a good product, comes to an educational organization and does not ask for some front people, but asks for consultation on a continuing basis, it would certainly be most derelict on our part to say that because there are some poor comic publishers with which this man has nothing to do at all, we should refuse our services.

The association knew at the time that the services of our consultant would be made known in every comic book and they have been ever since.

At one point our consultant demanded that her name be removed from one of these books, and it was so removed until a complete revision of editorial policy of that particular magazine occurred.

The point I want to make also is that our consultant in addition on a regular basis worked with a radio program of that producer, of that particular comic-book producer, all merely to indicate that this is consultation which can be shown on the record to have been active and fruitful.

However, I want to emphasize again this is still an on-going process. I would be totally incapable of being an editor of this kind of publication because it goes against my grain and taste, but that is another matter.

I still say, sir, that the magazines of this particular publisher have nothing to do whatever with the subject of your inquiry.

Mr. BEASER. You are talking about the National Comics Publication putting out Superman and so forth?

Mr. DYBWAD. Yes, sir.

Mr. BEASER. Do you know the ownership of National Comics Publication?

Mr. DYBWAD. I am not intimately acquainted with it. I know it is a company of several people.

Again my ignorance is due to the fact that this goes back so many years. It was at the time carefully gone into by our attorneys and by our people.

Mr. BEASER. Would you be surprised, Mr. Dybwad, to learn that one of the owners of the Superman group, National Comics, is listed in the certificate they must file, as F. Iger, and that her husband is publishing this stuff?

Mr. DYBWAD. I would be surprised, but for the fact that a few days ago this was intimated to me. Otherwise, I would be thoroughly surprised and this is a question——

Mr. BEASER. That is material issued by the American Comics Group, one of the owners being listed as Frederick H. Iger.

Mr. DYBWAD. I never heard of the man, completely unknown to me and as far as I have known, he has not been one of the people with whom we have had contact. I have absolutely no knowledge of that.

I again emphasize an investigation was made in 1941 whether at that time such a relationship existed. At that time one should have gone in this. Mind you, sir, crime comics were not in existence at that time and I think we must be very mindful of this, that the statements which we made earlier, particularly the first one, preceded by far the actual crime comic.

Even at that time we warned against a tendency, but this kind of stuff, as you know, sir, is new.

Now, whether we should have had a continual annual investigation by a detective agency of these people, that is a matter of conjecture. We never have had contact with this particular person.

I still say that this publisher here does not produce such stuff, save for the fact that you may object to a killing on Gang Busters or what not.

The CHAIRMAN. Are you sure that this publisher has, as you referred to him, no connection with any of these crime comics?

Mr. DYBWAD. I don't know why this would play a particular role as far as we are concerned. We are concerned, were concerned and are concerned——

The CHAIRMAN. It plays a role as far as this subcommittee is concerned.

Mr. DYBWAD. That is right. As far as we are concerned, here is a publisher who produces what would go, I think, with any objective examiner as one of the best groups of comics in this country relatively speaking.

Mr. BEASER. You can't talk of him, Mr. Dybwad, as him. That is owned by 6 or 7 stockholders. One of the stockholders is the wife of the same person who is putting out the crime and horror stuff that you see up there. There is a connection.

Those magazines may be clean. But the same owner, or the wife of the owner, is also putting out the other kind of material.

Mr. DYBWAD. Now, what do you think we should do about this matter, because you seem to imply this requires action. Should we therefore say we are no longer interested in helping this publisher to produce these things?

You see, we are bringing up a new fact I did not know. As far as we knew this was a comic publishing company which produced these magazines. Beyond that, behind it we didn't go.

I don't know whether you know, sir, when this particular woman married this particular man and began to publish that particular comic, I think we are going a little bit afield as far as we are concerned.

However, this new fact I will call to the attention of our board of directors and I hope from the minutes of this committee I can get full evidence.

But this does not detract from the work we have done with this publisher and from my statement that these comics seem to have very little connection with the inquiry of this committee.

I want to reiterate that the function of our organization also has relatively little to do with the inquiry of this committee as far as we are concerned. I would not have come to testify here unless I had the invitation of the counsel and I did so gladly because the particular problem of your committee, delinquency, not comics, but delinquency, is not the area in which we work and in which I am now working.

Professionally it was the area in which I have spent, sir, some 15 years, and, therefore, I have on a personal basis certain competence in the field.

Senator KEFAUVER. Mr. Chairman, just for the record, I see one other here. I mentioned Gruenberg and Dr. Bender, Josette Frank. I find one other here on your board that is also apparently receiving pay from the National Comics. That is Dr. S. Harcourt Peppard. He also is on your board; is that not true?

Mr. DYBWAD. No.

Senator KEFAUVER. You have him listed here as one of the people that you rely upon, Dr. S. Harcourt Peppard, M. D., as acting director, Bureau of Child Guidance, New York City Board of Education. He is listed on the front here as one of the authorities that apparently has something to do with these studies.

I thought the record ought to just show that he is also, along with Dr. Bender and Dr. Frank, on the editorial advisory board of this comic publication.

Mr. DYBWAD. Mr. Chairman, may I point out that as we indicated here we went at the time to a number of people, of the very few people who in those days were concerned about comics.

Now, Dr. Peppard, who I think long since has died, was an employee of the city of New York. As far as I recall he has never been even on our advisory board. He was never on our board of directors. He happened to be an intelligent man who early saw the problem of comics as something to be concerned with.

I want to point out that in this particular document the Senator from Tennessee has made reference to so many times here, they are all very prominently listed, just as prominently as anything else, some strong condemnation of comics, radio, and others, and I quote, for instance, here from Dr. Alpert who says:

Comics have a thrill, make aggression too easy and too colorful and in that way threaten eruption of the child's own precariously controlled aggressive impulse. Fear inevitably follows.

And so on.

In other words, in this compendium you will find just as prominently displayed very strong condemnation of comics, or, should I say, very strong feelings about the bad effects of comics as there were statements to the effect from some other people that there were no such effects.

I think it was a particular contribution again of our organization that it put out these statements and pointed out, and again I say in the spring of 1948 that there was considerable question about the comics and that future study would be indicated.

Mr. BEASER. You are concerned, though, that those statements are now being misused?

Mr. DYBWAD. Sir, by whom are they being misused? Nobody has told me they are being misused. You made reference to it in some conversation sometime ago. I would be most interested in hearing from this committee to what extent they are being misused.

The only use I have seen is in an undocumented comment, false statement, in the book of Mr. Wertham.

Mr. BEASER. You yourself said that the 1943 studies are being distributed now as though they were current.

Mr. DYBWAD. I, myself, said to the contrary.

Mr. BEASER. Not by you, but by others?

Mr. DYBWAD. I said that most carelessly Mr. Wertham in his book implied that they were being distributed.

Senator HENNINGS. And they are not being distributed?

Mr. DYBWAD. They have not, sir, and have not been for years.

So that Mr. Wertham who wrote this book takes stuff out of context. His entire book has not one documented reference of our material so that it is impossible for me to go through tens of thousands of pages to see where he picked this particular sentence.

In other words, he has presented an entirely unscientific study which is a mockery of research, said this was being circulated. Our studies have not been circulated because we are fully aware that they were made at a time when this material was not there.

However, I think, Mr. Chairman, we, and I speak with a straight face, should come in for some commendation that very early already, and in the strongest language we pointed at the dangers of these comics.

If you will read over the various statements which I have put into my particular remarks here, you will find that they add up to some very strong statements.

Senator HENNINGS. May I ask this, as a matter of information?

The CHAIRMAN. Senator Hennings.

Senator HENNINGS. If you felt strongly as you did in 1948 about what you felt to be the dangerous trend, the unhappy trend in the nature and character of these publications, why did you not do anything more recently now that that fear has been fulfilled?

Mr. DYBWAD. 1952—that was the reason that I referred to that—we once more have pointed this up.

Again, remember, we are not a social-action bureau. We are not the children's bureau; we are not the National Probation and Parole Association.

However, to be specific, may I, with your permission, read from a forthcoming book, which is published today, sir, it so happens, by

Miss Josette Frank, which is published by Doubleday, a book on children's reading.

Miss Frank in this book—and I have to admit, Mr. Chairman, I don't have the page quotation. I shall be glad to document this. I only saw the galleys—Miss Frank has this to say:

Despite all that may be said for the validity of comics as a form of communication, one cannot dismiss lightly the other side of the picture. The most serious parental objections are not to their technique or to their art, but to their content. The apparitions to which this medium of comic lends itself are of course abhorrent to parents and probably not very attractive to numbers of children.

The fact is that irresponsible publishers have found it both easy and profitable to exploit the taste of a part of the reading public for horror and sex. For the most part experience and observation show that these are not the comics written and enjoyed by a large number of children. Still they are available on the newsstands along with the children's favorites and their lurid covers and uncouth promises of what may lie within may well lure the curious of whatever age.

There is no more excuse for licentious publishing in this field than any other and it is perhaps either more unconscionable here because it is more available than any other reading matter. The publishers have a responsibility and certain of them recognizing the excess to which this fluent medium has been subjected have set up standards of their own in consultation with interested psychologists and educators. These standards not only have to do with content, but quality of printing and art work and they establish both positive and negative guides, what is and what is not suitable for children.

Policy rules out bloody or bat figures, sadism and torture, and ridiculing of law-enforcement agencies. It sets certain standards for lettering and dialog.

This is a quotation by which certainly Miss Frank on April 22, 1954, once more goes on record through the auspices of Doubleday Co., one of the largest publishers, in a book which will certainly once more bring this message.

But, you see, Senator Hennings, who should follow up on this is now the question. What do Government agencies, what do private organizations, what do citizen organizations do who work in the field of social action? That is a question.

But we once more have stated, and I want to gladly submit that Miss Frank has so stated in this book which appears today as—

Senator HENNINGS. What is the title of Miss Frank's book?

Mr. DYBWAD. "Our Children's Reading Today." Doubleday & Co. And this is not a commercial, Mr. Chairman.

The CHAIRMAN. When will that be on the market?

Mr. DYBWAD. Today. As of today it may be purchased.

The CHAIRMAN. Mr. Dybwad, in this testimony of yours which has been somewhat extended now, I gather that your main point was to draw a distinction between this type lying on the table before you there, that type of comic and the crime comic.

Mr. DYBWAD. That is right.

The CHAIRMAN. That is where you make your sharp distinction?

Mr. DYBWAD. And there is a hard distinction to make, sir, because for instance, yesterday—and I had the privilege of listening to the proceedings over the radio—reference was made to a particular number of people getting killed in any one story; that kind of thing, of course, would easily happen in any kind of murder mystery or crime mystery.

Now, I still say that in this age of detective reading, in this age when the greatest of intellectual leaders in this country freely admit that for relaxation they read detective stories, there has to be a very

difficult job done and that is, where are the limits of the legitimate matter, Mr. District Attorney, this is your FBI, Gang Buster shows, and this.

Now, I hope you won't send me home with the task of submitting definite criteria. Still, I would again emphasize, sir, not defensively, but feeling perfectly relaxed, that we have done a great deal in this field, that that was one of the very approaches which we started out with in our first study, to skip criteria because you could not say crime comics are bad, but we tried to set up what kind of crime comics are bad, what kind of fantastic adventures are bad, what kind of war stories are bad.

So we tried to set up these criteria, but believe me, sir, that is a pretty hard task.

I have, at times, after a particularly hard week, listened Friday nights to some of these FBI and mystery stories which seem to gather at that particular evening, and I have had my doubts at times.

Some of it seemed to be very good, and others a little bit more questionable.

But certainly a clear line cannot be drawn. But I would say that I fully agree with you that our viewpoint is that there is a new medium about, not just radio, not just TV, but comics.

Children today read comics, read them in tremendous numbers, millions of them who never get in trouble.

We also have in this very same medium some exceedingly poor, distasteful and I say, dangerous stuff. When I say dangerous, I merely rephrase what I have said before. I will come out quite bluntly here that you may say we hedged on one thing. If you feel that we should have recommended censorship, police censorship of these, indeed we did not do so purposely because we do not think this is a good American method in the first place, and we feel in the second place, with that kind of publisher censorship will never work because the fly-by-night man escapes censorship and the good publisher is hit by it.

But we have felt that community action should be forthcoming, civic action, action through the trade associations, and so on.

We still feel so today. We still hope that out of this committee's work some new avenues of approach will come which will put a definite stop to the publication and availability of these comics.

I will say further that that will be a distinct contribution, not just in general to children's welfare, but I would say more specifically that this would be a contribution to the broad approach to delinquency prevention.

That, I am certainly ready to say.

The CHAIRMAN. Mr. Dybwad, the Chair wishes to thank you. You will produce for the record, will you not, the list of your board of directors, the list of your membership, and the list of your contributors.

Mr. DYBWAD. That I certainly will.

The CHAIRMAN. Thank you very much.

The next witness?

Mr. BEASER. Mr. William Friedman.

The CHAIRMAN. Do you solemnly swear that the testimony you will give before this subcommittee of the Committee on the Judiciary

of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRIEDMAN. I do.

TESTIMONY OF WILLIAM K. FRIEDMAN, ATTORNEY AND
PUBLISHER, NEW YORK, N. Y.

Mr. BEASER. Mr. Friedman, will you state for the record your full name, address, and your profession?

Mr. FRIEDMAN. My name is William Friedman. I reside at 250 East 90th Street, in New York City. I am a lawyer by profession and, incidentally, interested in some comic magazines.

Mr. BEASER. Which comic magazines are you interested in? Are those the three, or do you publish others?

Mr. FRIEDMAN. Referring to the magazines which are on the board, I am interested in the company which controls Mysterious Adventures and Fight Against Crime.

Mr. BEASER. Have you anything to do with Beware?

Mr. FRIEDMAN. No, I have nothing to do with the magazine Beware.

Mr. BEASER. Have you anything to do with the magazine Dark Mysteries?

Mr. FRIEDMAN. Yes, but the magazine Dark Mysteries, I assist in the editing of the magazine.

Mr. BEASER. That is put out by——

Mr. FRIEDMAN. It is put out by a corporation known as Master Comics—that particular magazine is issued by a company known as Master Comics. I don't remember if I ever had any interest in Master Comics. At least I have no interest now.

Mr. BEASER. You have no interest now?

Mr. FRIEDMAN. That is right, sir, except as assisting in the editing of that magazine.

Mr. BEASER. That is right.

Mr. FRIEDMAN. I am not the editor of this magazine. It is edited by people which we retain, but that is not the important point.

Mr. BEASER. You are the publisher of this magazine?

Mr. FRIEDMAN. I am associated with the publisher and one of the people interested in the company as an officer of the company.

Mr. BEASER. Are you responsible for getting the magazine out?

Mr. FRIEDMAN. I accept responsibility in the sense that our corporation owns that. I don't think that there is anything wrong with the type of material which is presented on this board.

Now, this material is undoubtedly taken from a story with which at this moment I am not familiar. It is undoubtedly taken out of context in the story.

Mr. BEASER. This is the one, Mr. Friedman——

Mr. FRIEDMAN. May I finish?

Mr. BEASER. Go ahead.

Mr. FRIEDMAN. This magazine is a magazine devoted to detective stories, crime stories, and as such these pictures and the pictures in those books show stories of crime and of detection.

Crime itself is not pretty. Detective work, police work, of itself is not delicate.

I heard testimony here yesterday concerning the fact that crime should not be shown in a revolting manner. Well, I disagree with

that answer because I believe the more undesirable crime is shown, the more ugly crime is shown, the less attractive it is.

You can't show stories of detective work, you can't show stories of crime in a pretty state, or in a delicate state, because then I believe that it would be attractive. It would perhaps invite a susceptible mind.

Mr. BEASER. But must you show, Mr. Friedman, the knife coming out of a back of a bloody body, or a child drowning his stepmother in quicksand?

Mr. FRIEDMAN. Frankly, I am not familiar with that particular context, but that is the scene of the crime; you either hide the crime from public view or you show the scene of the crime. If you have crime stories—and I honestly do not know, and I say that because this investigative body, this honorable subcommittee of the Senate, is trying to arrive now at facts that perhaps I am also trying to arrive at because of what I have heard—have these crime stories any impact on juvenile delinquency?

The CHAIRMAN. That is the issue.

Mr. FRIEDMAN. That is the issue.

From what I have heard, because there is a question, I would also like to have that question answered.

But from the evidence that I have heard before this committee, from the very vociferous witnesses who appeared yesterday, the publisher of a book, from the evidence that I heard yesterday, he had 3,000 cases before him in a period of perhaps 5 to 6 years, and if I remember his evidence correctly, he could not point to a single instance in which he said that the particular juvenile was caused to become a delinquent because he read any particular kind of comic magazines.

Mr. BEASER. Were you here all day yesterday, Mr. Friedman?

Mr. FRIEDMAN. No, sir.

Mr. BEASER. Let me add one thing to your statement. As I recall Dr. Wertham's testimony, it related to the fact he could not find one single case that he could point to as having been caused by a crime comic, but he was testifying to the effect that it had a positive effect. But in the morning sir, we had Dr. Peck, of the Children's Court, here, who did testify that on an emotionally disturbed child these crime and horror comics would have an effect.

Mr. FRIEDMAN. Counselor, I think you will agree with me that every conceivable action taken—the time of day, the weather—has some sort of reaction, some sort of an impression on an emotionally disturbed child, and also on a normal child.

I also read the testimony, I believe, of your Mr. Clendenen. I am sorry I was not here to hear his testimony. He also asserted he could not find any particular juvenile that was led to delinquency by the comic books that he came in contact with.

I also heard the testimony, if I may, of the gentleman who was here this morning, and that gentleman in a period of his associations, years in contact with the comic books, and his study of thousands and thousands of children, in his association with Warwick, has never come in contact with one individual—

Mr. BEASER. Are you not engaging in semantics, Mr. Friedman?

Mr. FRIEDMAN. I am not. I am trying to be honest in your answers.

Mr. BEASER. Are you not trying to say you can't point to a comic book which is a direct cause of a crime rather than talking about whether crime and horror comic books may be a contributing factor in the total scene, in the total action of a child?

Mr. FRIEDMAN. I did try to say before, and I am not a psychiatrist, that from what I have heard it appears to me that everything is a contributing factor to a child who is delinquent, whether it is a rainy day, whether he has 5 cents in his pocket, or has not got 5 cents in his pocket, but I would like to come back to what I was mentioning before—this other witness who was here this morning also indicated there was no single incident.

Now, it seems to me, gentlemen, and I am honestly trying to find a conclusion, if these comics are, as a matter of fact, harmful, if they cause delinquency, I would be the first one to discontinue them.

What are the facts that have been portrayed before me and before this committee that I can put my finger on to say that they do cause juvenile delinquency?

Mr. BEASER. Mr. Friedman, rather than review the testimony we have had, could I get back to the question of the manner in which you supervise the editorial production of this magazine? In other words, you are the one who tells the story writer the kind of story you want, or does that work vice versa, and what limits do you put upon what can appear in your magazine?

Mr. FRIEDMAN. The editor of this magazine had been engaged in comic book magazine editing business for many years.

Mr. BEASER. Who is that?

Mr. FRIEDMAN. That is Miss Ray. I trust her in the production of the magazine.

I will say from what I have heard in the testimony given yesterday while I was here, and today, that since there is a question that has arisen as to the impact or nonimpact of certain types of stories of detection or police work and crime and of phantasy and horror, I will say after hearing the testimony and hearing the good Senators say that they believe that a certain code might answer the problem, I will ask my editor to follow that code, not because I believe in censorship, but until—

Mr. BEASER. Is it not true, Mr. Friedman, most of your material could not be published if you adhere to the code? You could not show pictures of a knife coming out of the back of a man, not under the code.

Mr. FRIEDMAN. I frankly do not know whether the code says that—I believe the code does say something about not showing the actual acts of commission of crime.

Mr. BEASER. That is right, sir.

Mr. FRIEDMAN. As I said, since there is a question that does arise, I will instruct my editor to attempt to adhere to the code, about which you spoke yesterday, a copy of which I haven't, and if you attempted to break it down I could not tell you what is in there and what is not in there, but if that is a more acceptable procedure, we will try to adhere to it.

Mr. BEASER. The only question I want to know is in the present preparation have you any general instructions which you give to your editor, Miss Ray, as to what should appear in this crime, horror, and terror magazine?

Mr. FRIEDMAN. Up to this time we have not given her any particular instructions.

Mr. BEASER. Have you had occasion to change any of the pictures or stories she has come back with to make them less crime, horror, and terror?

Mr. FRIEDMAN. We may have changed the pictures. I do not remember at this time whether we changed them for the purpose you state or for any other purpose.

Mr. BEASER. Do you recall whether you may have changed them to make them more horror, crime, and terror?

Mr. FRIEDMAN. I will say to you that we interfere so little in the work of our artists and script writers and editors that the changing that I might do is infinitesimal. The couple of books in which I am interested, perhaps I approach them from a legalistic attitude, meaning by that that I have done a great deal of work in the field of censorship. I have read the books written by Morris L. Ernst. I have read the book written by Mr. Hayes; I have read the book written by the professor at Harvard who did the basic work on the question of censorship.

I was interested in the famous Winters case which our Supreme Court had before them 3 or 4 times.

Mr. BEASER. None of them ever described crime, terror, and horror comic books?

Mr. FRIEDMAN. The Winters case was a crime-and-horror book.

Mr. BEASER. Comic book?

Mr. FRIEDMAN. I don't know how you can differentiate, Counsel, between the production or the envisionment of detection and crime work in a comic book as against another mass media.

One of your witnesses here yesterday—well, I won't go into that, but it so happened I happened to look at the same newspaper he looked at and I looked at last night's Telegram. I have last night's Telegram with me and by actual count there are 25 to 30 stories dealing with crime.

Mr. BEASER. That is the statement made by Mr. Gaines?

Mr. FRIEDMAN. It is not, counsel, because that is an entirely different newspaper.

Mr. BEASER. The same type.

Mr. FRIEDMAN. The point I am making is that we attempt to make perhaps, rightfully or wrongfully, I don't know, but attempting to make a whipping boy out of one particular field of mass—not the Senators here, because they have asserted they were trying to find what the honest fact is——

Mr. BEASER. Let me ask you a question——

Mr. FRIEDMAN. Let me finish, counselor. That a whipping boy is being made out of one particular facet of the means of information devoted to crime and horror and detection work as such.

But there are perhaps as many titles of so-called crime pulp magazines, as many titles also as so-called true crime detective magazines and they have been in existence for more than I can remember, for longer than I can remember. There are the movie depictions, there are the television depictions, and to make a particular whipping boy out of one facet of it and say that if these were removed from sight the others would have no impact or would not have the same impact,

I am not honestly prepared to state, but I don't believe that we can make such a distinction.

Senator HENNINGS. Mr. Chairman, I thought I understood Mr. Friedman to say that he did not conceive this committee to have made a predetermination of this.

Mr. FRIEDMAN. That is right.

Senator HENNINGS. I just wanted to emphasize that again and make that abundantly clear. We are trying to find out.

I think this whole business is enormously complex. You being a lawyer will know what I mean when I talk about proximate cause, not as an expert or a psychiatrist, but as one who has been a district attorney, I have spent a great many years in criminal courts on felony cases and matters of that kind.

I wonder to what extent this sort of thing, whether simply synonymous on a newsstand by a youngster or an older man or woman who may be upon the brink or verge of doing something or other of law violation, whether this may not be just enough, seeing something lurid, seeing something suggestive.

So seeing something which has implications, I wonder if in some cases, this or a television show or moving picture or any of the media, might not be that straw that may lead to violation.

Mr. FRIEDMAN. Mr. Senator, I honestly am not qualified to state. I would conclude with those observations if I may, that it is surprising to me that in attempting to seek a conclusionary fact, some say—our author of yesterday in his address in which he confounded all comic books and in which he took Superman who has been a hero to our boys and took that famous story Tarzan, and took that very interesting publication—that is not a sexy publication, Wonderman—and takes Howdy Doody and lumps them all together and says they are all bad.

Why? With this tremendous so-called accumulation, Senator, of perhaps not 40 million a month, 20 million a month, there has not been one incident to which these people who are interested in the subject can point and say this is a juvenile delinquent, caused by X medium in the comic book or television field.

I think it makes your work so exceedingly difficult. And makes our rehashing just as difficult.

Mr. BEASER. You realize, Mr. Friedman, of course, that the experts are also unable to point to a particular child and say that he is a juvenile delinquent just because of sadism or just because of this. The single causative factor is not what the experts are saying.

Mr. FRIEDMAN. As a good lawyer you would have to come to the conclusion that you have no facts before you upon which you can make a reaction or a conclusion that the cause or the assisting cause to juvenile delinquency is the medium you might be attacking at the moment. Your very witnesses before you all came to the conclusion that came to me. First, that there was no appreciable reaction on juvenile delinquency as far as they knew, including the author. They came to the second conclusion that there might be some reaction, there might be some impact, but they didn't know.

Mr. BEASER. Let me clarify one thing before you go. You mentioned, and Mr. Gaines yesterday seized upon the fact that in many newspapers there are stories of so many holdups, so many robberies.

In any of those were the actual pictures of dead bodies shown with knives coming out of the body?

Mr. FRIEDMAN. Counselor, let me put it this way as far as the newspapers are concerned. We have the finest newspapers in the world. They enjoy freedom of the press as they should.

In our democratic countries they are uncensored, as they should be. I would say to you, Counselor, that if and when these newspapers are able to get the scene of an actual crime, a Valentine massacre, a drowning, come upon a dead body, that is the newspaper photographers ambition.

You know that as well as I. Is it right or wrong, Counselor, I don't know.

Mr. BEASER. I was trying to get the total impact, Mr. Friedman, from the total number you gave. That is all.

The CHAIRMAN. Does the Senator from Missouri have any questions?

Senator HENNINGS. No.

The CHAIRMAN. The Chair wishes to thank you for your appearance this morning. The subcommittee understands it is a problem. We do not know the answer to it. But it is a very difficult problem.

Mr. FRIEDMAN. Thank you, Senator.

Mr. BEASER. Dr. Loretta Bender.

The CHAIRMAN. Dr. Bender, will you be sworn, please.

Do you solemnly swear that the evidence you will give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. BENDER. I do.

TESTIMONY OF DR. LAURETTA BENDER, SENIOR PSYCHIATRIST, BELLEVUE HOSPITAL, NEW YORK, N. Y.

The CHAIRMAN. Doctor, will you state your full name, address, and association, for the record, please?

Dr. BENDER. My full name is Dr. Laurretta Bender. I am an M. D. My New York City residential address is 140 West 16th Street. I have quite a number of associations.

The major ones are that I am a senior psychiatrist on the psychiatric division of Bellevue Hospital, a civil-service position in New York City, a position I have had since 1930, and since 1934 I have been in charge of the children's ward.

I am also a professor of clinical psychiatry in New York University Medical School.

I am also on the training program of the Veterans' Administration, which is associated with the New York University Medical School.

I am on the editorial board of the National Comic Companies as an adviser, on the advisory editorial board.

This spring I accepted an appointment as consultant in child psychiatry in the New Jersey Neuropsychiatric Institute.

I think that covers the major ones.

The CHAIRMAN. Thank you.

Counsel, you may proceed to examine the doctor.

Mr. BEASER. Doctor, we are inquiring here into the possible effects of crime and horror comics on children, both normal and some who are emotionally disturbed.

Could you give us your opinion of the possible effects of this kind of reading material, crime and horror comics books, on say, the emotionally disturbed children, or normal child?

Dr. BENDER. In the field of the emotionally disturbed child, I have long been considered a professional expert. I consider myself such. My experience you have to realize is with children under the age of 12.

However, it is true that I have been working 20 years with these children. Many of them have now reached adolescence and adulthood.

In my early years in working at Bellevue Hospital when we were hard put to find techniques for exploring the child's emotional life, his mind, his ways of reacting, when the child was separated from the home and brought to us in the wards at Bellevue, I found the comics early one of the most valuable means of carrying on such examinations, and that was the beginning of my interest in the comic books.

So that my first scientific paper on the comics appeared—I believe I gave it in 1940 before the National American Neuropsychiatric Association and it was published in 1941, before I had any connection whatever with the comic people.

Now, when you ask me as broad a question as to what is the possible effect of such horror comic books—and the gesture makes it also broader—upon the emotionally disturbed and the normal child, it is almost overwhelmingly a broad statement.

However, I have spent a great deal of time; I have written many articles. I too, have a book in press which has at least a chapter on this subject, otherwise deals with it, and in general it is my opinion that the comics, as I have known them and worked with them through these years and the kind of emotionally disturbed children that I have known and worked with, and my own three normal children show a remarkable capacity to select from the comics material they need and can use, a capacity which should not be underrated and it is one of the specific characteristics of the comics that this kind of a selection can be used on the comics where it cannot be used, for example, in a movie. It can be used in television and it can be used in radio, by the television so they can turn it off.

Mr. BEASER. What do you mean by selection. Selections of comics themselves, or selections out of the comics?

Dr. BENDER. Both. Children love to collect comics. I will also say that the less intelligent children and those who have the less reading capacity collect the most comics. It is the story that we used to tell in school that if we could sleep on that enormous tome conceivably we could get something out of it and pass our exams the next day.

In fact, I have frequently said I can make a diagnosis on a non-reading child who is brought into my presence for the first time with comic books stored away in his blouse—boys don't like the word "blouse," excuse me, shirt—like the squirrel has nuts stored away in their cheeks—now, as to these, Mr. Clendenen brought them in to me the other day. I told him I hadn't seen any of these.

The children don't bring them on the ward at Bellevue. My children don't bring them at home.

And when I tried to look through some of them I thought they were unspeakably silly. The more an artist tries to show horror and the more details he puts into the picture, which most poor artists do, the sillier the thing becomes, and the children laugh at it.

The children also will frequently tell me—for instance, on television, I have to listen to it with my own children occasionally and I am aghast, "My God, how can you stand such things, children?"

They say, "Mom, don't you know it is only television, it is not real."

In my opinion it is the same thing about these comics.

Mr. BEASER. A child would not identify himself or herself with any one of the figures in there? For example, we had a picture yesterday and a story about a child who murdered her foster mother.

Dr. BENDER. Mr. Clendenen told me that story.

Mr. BEASER. In the final shot they showed the child getting away with the three murders. Do you think that a child would identify himself or herself with the little girl?

Dr. BENDER. No.

Mr. BEASER. Would the child identify——

Dr. BENDER. The child would only identify itself with such a child who had committed these 3 murders if there had been 3 murders in the child's family, for which people were looking suspiciously at this child.

In that case the child with horror would throw the comics out of the window.

Mr. BEASER. Would the child identify its mother—or its father, with the mother and father in the story comic?

Dr. BENDER. Not unless their mother and father were like that mother and father.

Mr. BEASER. Since delinquency does appear in broken homes as well as others, assuming this is a broken home and they depicted a broken home, would the child identify his own mother and father with the pictures in the comic book?

Dr. BENDER. If he would so identify himself, then it would be his tendency again to discard the comic book or go into a panic. I have seen children in panics, as I say, not over comics usually because they are easily rejected, but over movies. I have seen children brought to me in terrible panics, and interestingly enough most often the Walt Disney movies which do depict very disturbing mother figures.

The mothers are always killed or sent to the insane asylums in Walt Disney's movies. They are among my experience, except for Frankenstein, the worst movies in the world for children who have had a problem of the loss of a parent.

I can speak of that with feeling because I have 3 children who lost their father when they were babies and I know the problem of exposing children to such problems as this.

It can throw them into the kind of anxiety which is distressing, but the children will leave if they can or they will not read the comics, they will reject it.

Mr. BEASER. We had another one of a child in a foster home whose foster parents turned out to be werewolves and he turned out to be a

werewolf. What effect would that have on a child who is awaiting foster placement, or who has been in foster placement?

Dr. BENDER. Mr. Clendenen has told me about that, too, and, after all, he is a social worker who has dealt with the placement of foster children. I wondered, after all, at the kind of imagination, if I can apologize in advance, that would conceive of anyone giving such a comic to such a child under such circumstances.

The chance of its happening, of course, is infinitesimally small, and I think the child would only read it provided it was held down and the thing was read to it forcibly.

Even then, I think if he was anywhere near a wholesome child he would laugh at the situation and probably after looking at the foster mother when he got in the place and finding she did not look like a werewolf, he might say, "Well, you are not even a werewolf after all," or something like that.

Mr. BEASER. But the child awaiting foster placement has a number of normal fears?

Dr. BENDER. Certainly.

Mr. BEASER. So that is fair game, practically, for such a child?

Dr. BENDER. That is true.

Mr. BEASER. Now, what about the effect of the crime and horror comics on a hostile child. Could he possibly find suggestions and also support for doing some of these things?

In other words, he sees it there and he is going to do it.

The CHAIRMAN. Did counsel use the word "hostile"?

Mr. BEASER. Hostile.

Dr. BENDER. You asked me could he?

Of course, he could, but I do not know of a single instance in which it has occurred. I would also say this, that a hostile child who is committing such crimes, even if he was one of those collecting crime books, collecting comic books of all types and carrying them around with him, does not usually take time out to go into the library or to find a reading place to sit down and study these books.

It is conceivable, and I am sure if enough research work is done, sooner or later someone or other can find an incident in which a child can be got to say that he got the idea from such and such a comic book.

I would not doubt but that maybe 10 cases could be found in the United States.

But if you then said to the child, "Did you ever see such a thing on television or movies?" or "Did you ever hear about it anywhere else, too?"—well, the situation obviously becomes less specific.

Mr. BEASER. We have heard this, and I do not know at this point from what source: Would you consider that excessive reading of crime and horror comics is symptomatic of emotional maladjustment? Does that indicate something might be wrong?

Dr. BENDER. Yes; I would say that.

Mr. BEASER. If you came on a child who is devouring this stuff day and night?

Dr. BENDER. Well, let me be even a bit—maybe I should not be as personal as this. As I say, I had 3 children whose father was violently killed when the youngest one was a week old, in an automobile accident, not in a gang war, and those 3 children have that problem. How can such things happen?

Most children don't have such problems. Mothers can do the best they can to try to reassure such children.

The oldest boy cannot tolerate anything in the way of a story, even Peter Rabbit, who, if you recall your Peter Rabbit, went into a garden where his father got into an accident at the hands of a hoe of a farmer and had been put in a rabbit pie.

I had to take him screaming out of the puppet show on that picture.

He would leave the room if Jack and the Beanstalk was being read to the other children. He would turn off the radio and he would reject any book or any comic that had any of these problems.

My second son, who was a little older and a different type of child, instead of rejecting it has tried to solve the problem, and he is not so much addicted to crime comics, he is not addicted to crime comics at all, as far as that is concerned, but he loves to watch for hours on end television, radio, and movies which deal with these same subjects.

I think for him it is an effort to find a solution of the mystery of life and death and how it can happen that a child's father can leave him even before the child knows the father.

For my daughter, who was a baby, last year in school she spent the time writing for her teacher crime stories, murder stories, in which the bloody head of the person who had been attacked would lie on the lap of the beloved person, whoever it was, and an effort would be made to soothe it.

This worried her teacher very much and she came to me with this problem. She said, "Is she reading too many crime comics?"

I said, "As far as I know she doesn't read them at all."

Not that I refuse them to her. She doesn't listen to television like the second child does, and she doesn't go to the movies very often.

But I said, "It is her way of solving her problem."

Now, she has gotten that problem solved apparently. She has gone through this, and for her it is her solution.

Now, I can well imagine children, and I know plenty of disturbed children from homes where they have less support than my children do, because, after all, my children have not only had the support of myself, but of our very many friends, who on occasions of these various things, and, after all, there are lots of children in the world whose fathers have been killed by gangsters or who don't know who their fathers are, and who live in a gangster's world and whose fathers are gangsters killing other people—I don't know that crime is quite as bad in the world as we try to make it out to be, and these children I am sure will be disturbed by such things.

If they have to be exposed to them, or are exposed to them, they should have a wise adult who can discuss the matters with them and talk it over with them.

Mr. BEASER. Many of them do not.

Dr. BENDER. Many of them do not.

Mr. BEASER. You are on the editorial advisory board of the Superman Comics?

Dr. BENDER. That is right.

Mr. BEASER. I gather you were in the courtroom today and heard the discussion?

Dr. BENDER. I was.

By the way, I am not in anyway connected with the Child Study Association. That was implied and it was a mistake. It is merely that Josette Frank interviewed me for one of her articles.

Mr. BEASER. You were one of the resource persons?

Dr. BENDER. I was one of the resource persons from which she got expert testimony, let us say, and wrote the article.

It is true now, I am an editorial adviser of the Child Study Association. That is another one of my jobs that I do not even get a dollar a year for.

Mr. BEASER. What I cannot understand is that with all the listings of the associations you belong to you must be pretty busy. How do you get time to read the comic books of the National Superman?

Dr. BENDER. I don't read them all.

Mr. BEASER. You read what?

Dr. BENDER. I read the ones which look to me to be of some interest. I give the rest to the children at Bellevue and let them read them and tell me what they think about them. I give them to the teachers, psychiatrists. I take them home to my children.

And if there is any question about one, and frequently there is—for instance, about 2 years ago one of the psychiatrists wrote me in dismay saying that he had picked up a comic his daughter brought in in which a psychiatrist had been abused in his opinion and found my name on the advisory board and wondered how I could justify such a thing.

In this particular comic the storywriter had thought up a new form of what might be called shock treatment, in which a wife, who was jealous of her husband, had been exposed by the husband, at the advice of his psychiatrist, to actual situations which could be interpreted as indicating that the husband was wanting to do her harm.

But then it ended up with the husband explaining everything and the psychiatrist coming in and explaining everything and the wife and the husband reunited in their mutual understanding and love, and the psychiatrist going home. He lived next door.

The husband played chess with him, or something.

Well, this didn't look very bad to me. I said I was not even sure it was not a good idea, it has some good ideas in it. Maybe if we actually did try to portray some of the delusions of patients and showed we could explain, that might be a way of exposing disillusionary ideas.

I showed them to the children in the ward because they do have disillusionary ideas. The children in the ward thought that was a good story and they thought it was a good idea, it was like the kind of treatment we were giving them, which I had not thought of in that fashion.

They certainly thought it was a good way to cure the sick woman.

Mr. BEASER. But you saw this after the comic book had been on the stands?

Dr. BENDER. That is right. I am not responsible in any way whatsoever with what is published.

Mr. BEASER. And your duties as a member of the editorial advisory board consist of what?

Dr. BENDER. My duties on the editorial advisory board are to be consulted by them whenever they choose to consult me and to give them advice about matters which many think are problems in just the terms

that you are trying to deal with today, and in the beginning when I worked with them, I also helped them work out their first code.

Whenever they have asked for my advice I have always made an immediate study as carefully as I can, have given my advice and, to my knowledge, it has always been followed.

Mr. BEASER. How often does the board meet?

Dr. BENDER. It meets very irregularly and in the last 6 months I think we have not met. As a matter of fact, we don't function as a board usually. Now and then we do. We have, sometimes in the past, been called together, as a board, to take up certain questions.

The CHAIRMAN. Are the members polled?

For example, you have a problem come before you, submitted to you. Do they poll all the members on that problem?

Dr. BENDER. I gather they do, because Mr. Dybwad, just ahead of me, told you about a letter which the Child Study Association got and the advice that they had given in regard to this copyrighted article from one of the comics, and I am sure it is the same letter I got and I gave the same advice and I thought they were following my advice, but, obviously, they were following all our advices.

The CHAIRMAN. Are the board members compensated?

Dr. BENDER. Yes. I received \$150 a month.

Mr. BEASER. I suppose each one of the members received the same compensation?

Dr. BENDER. No. I understand some of them get more because they are expected to give more service than I do. It is understood I am a very busy person. It is understood that the amount of time that I can give to it should be minimal, but in terms of my professional experience.

So I understand that some get more.

I understand, on the other hand, some get less because they have come in more recently than I have. As a matter of fact, when I went on this advisory board, it was when the Superman and National Comics were separated into two parts, and Mr. Gaines, Sr., the father of the gentleman who testified yesterday, had his series of comics including Wonder Woman, and the Biblical ones and historical ones and what not. He paid me \$50 and the Superman series paid me \$100.

Later on, the group was united, so I have been paid \$150 by the one publication.

The CHAIRMAN. Doctor, could you give the subcommittee a typical case of the sort of problem which comes to the board members?

Dr. BENDER. Yes; very easily. As a matter of fact, I don't see any reason for not being more specific about this last inquiry.

This was a question that there were concerns who wanted to produce a Superman uniform for children, realistic, and copyrighted. The National Publishing Co. said they had this request coming through for many, many years, and they had always turned it down because they were afraid that children would be hurt under the circumstances; but again, it had come up so persistently that they now wanted my advice about it.

So I advised them that in my experience children throughout the ages, long before Superman existed, tried to fly, and also it has been my specific experience, since I have been at Bellevue Hospital, that certain children with certain emotional problems are particularly pre-

occupied with the problem of flying, both fascinated by it, and fearful of it.

And we frequently have on our ward at Bellevue the problem of making Superman capes in occupational therapy and then the children wearing them and fighting over them and one thing or another—and only about 3 months ago we had such, what we call epidemic, and a number of children were hurt because they tried to fly off the top of radiators or off the top of bookcases or what not and got bumps.

The CHAIRMAN. You mean they would put these suits on and try to fly?

Dr. BENDER. That is right.

The sheets form many purposes to these children. Part of it is that it probably gives them the feeling of the power to fly.

It also gives them the feeling of protection, almost as if they were invisible when they wore the Superman cape or as if they had the magic power of Superman, so if they wore a Superman's cape they would have these magic powers.

The CHAIRMAN. This does show the influence of comics, then?

Dr. BENDER. That is true. I am sure the comics influence.

As I say, I have found one of the best methods in my experience to examine children is to get them to tell me their favorite comic book and to relate it and then analyze their material.

In adult psychiatry, dreams are analyzed.

The CHAIRMAN. If Superman could have that influence, what sort of influence do you think that picture there, called "Crime Suspense Stories," would have?

Dr. BENDER. I can tell you why. This would have nowhere near. Superman represents an instinctive problem that we are all born and grown up with, that we can fly—after all, we can fly now; we couldn't before—and that we can carry on all kinds of scientific investigations, that we can stop crime, which Superman does, and that we can have a good influence on the world, and that we can be protected by the powerful influences in the world which may be our own parents, or may be the authorities, or what not.

Mr. BEASER. It is your considered judgment, then, that Superman has been a good influence?

Dr. BENDER. A good influence.

There is another reason why Superman has had good influence. That is the years of continuity of the Superman character. The children know that Superman will always come out on the right side.

On that, I can give you another story about what they wanted to do. At the end of the Second World War we had the problem of a certain number of soldiers coming home as amputees.

One of the script writers got the bright idea that we ought to prepare children for their fathers coming home as amputees by having one of the characters—I don't think it was Superman—one of the others—have an accident and lose his leg. They wanted to know what I thought about that idea. I said I thought it was absolutely terrible because I felt that the children loved this character and, after all, how many children were going to have to face the question of an amputee father?

Certainly there are far better ways of preparing such children for such a father than to have to shock the whole comic reading children public.

So I disapproved of it.

The CHAIRMAN. Doctor, suppose you were on the advisory board for some of these magazines, what would you recommend?

I am talking about the magazines which appear on the board there.

Dr. BENDER. Let us put it this way: Suppose you said, "Why don't you go on one of these and see," and then I would go on it and I would see. I would expose children to these comics and see what the result was.

Now, if you want to ask me what I think the result would be, I think it would be minimal. I think that many of the children would be bored with them, I think that many of the children would refuse to read them and the more sophisticated would say, "So what, I have seen stuff like that before."

Mr. BEASER. But you do not actually know, Doctor?

The CHAIRMAN. You are talking about normal children, though?

Dr. BENDER. There is no such thing as a normal child.

The CHAIRMAN. There is not?

Dr. BENDER. No.

The CHAIRMAN. That is your medical opinion?

Dr. BENDER. That is my medical opinion.

The CHAIRMAN. How about a child that is deficient?

Dr. BENDER. Mentally deficient?

The CHAIRMAN. I mean delinquent, or has delinquent tendencies.

Dr. BENDER. As I told you before, it certainly is conceivable that you can find a certain number of children who will be, or could be pushed 1 or 2 steps further.

The CHAIRMAN. By this sort of literature?

Dr. BENDER. By this sort of literature. Of course, it is a drop in the bucket as far as all the experiences in the world that the children are exposed to, and an awfully small drop and an awfully big bucket.

Mr. BEASER. Doctor, when Mr. Dybwad was talking he said something about dividing the subject into two phases. One, the fact that the association was concerned about was the fact that these crime and horror comics were creating a climate in which the child was living and growing up and to which the child was exposed.

Do you share Mr. Dybwad's fears in that respect?

Dr. BENDER. I don't think the comic books are creating the climate.

Mr. BEASER. Are they a part of the climate?

Dr. BENDER. I think they are a reaction to the climate.

Mr. BEASER. Now, let me ask you one final question, Doctor.

Would you say—I suppose you would—that your opinion on this subject is in no way influenced by the fact that you are an advisory member of the Superman comics advisory board?

Dr. BENDER. Well, it is a fair question and I think you were a little bit hard on Mr. Dybwad in that regard this morning.

Actually, the amount of money I get, \$150 a month, is what I can get for one lecture such as I gave yesterday—I was all day yesterday in another State attending a scientific conference at which I gave a lecture—and which I can give once a week without any trouble—and it certainly is a small part of my income.

I would say this: The fact that I am in this position as far as the national comics are concerned has two influences.

I think I have influenced the National Comics Publications to some extent, and I think my continuing presence on their editorial board

may represent a continuing influence, not only on the national comics but conceivably all of the comic publications, to some extent.

I would say that I have been somewhat more interested in the comics. I am furnished with the comics as soon as they come out regularly. In fact, I am furnished with three copies of them.

And I have in recent years especially been particularly interested not only in this sort of thing, but some extremely interesting new phenomena in the comics.

The comics actually, if you follow the history of the comics, and I wish Dr. Wertham could have done this, because he is a brilliant scientist, if he could only realize what could be done with it, they have gone through phases of understanding the problems that the world is being shaken by continuously.

And now, most amazingly, they have become aware of the problems which most concern us psychiatrists, and me particularly, and that is something which is a technical phase, the concept of the body image and what can happen to it under different emotional circumstances.

These are psychological problems and the uncanny capacity for the script writers to delve down into their own unconscious and dig up these problems and depict them to me is an amazing phenomenon.

I only wish that I had the time from my various other duties to sit down and do a job—not with these, I confess they don't interest me much—but with the psychological phenomena that have occurred in the comic books and in terms of what they might mean to developing children.

Now, there was one type of comic that I disapproved of very thoroughly. When the comics first came out, Superman, at least, the publishers of Parent magazine got out a little comic called——

The CHAIRMAN. It used to be Hairbreadth Harry, in my day.

Dr. BENDER. Were they good?

The CHAIRMAN. Very good.

Dr. BENDER. The Parent magazine got out a comic called True Comics. They were really very bad. The reason they were bad is that they showed historical situations of, let us say, sailors being thrown off the boat because the boat had been bombarded by the Nazis and they were jumping in an ocean of flaming oil.

There was just no help for these people——

Mr. BEASER. What was bad with that? We saw pictures like that yesterday in some of these.

Dr. BENDER. O. K., but they weren't put out by the Parent Magazine Publications. The parents didn't approve of that, but these were approved by parents.

Mr. BEASER. You would disapprove of that?

Dr. BENDER. I disapprove of that.

They said, "This is good because it is history. This is real," which is another reason why it is bad.

They also gave a picture of colonial days where the mother was being tommyhawked by the Indians, with a baby at her breast, and the baby was being dropped on the ground. Now, this was history.

Certainly it is history, but do our children today have to be exposed to such things?

This is not history. I see no excuse whatsoever for a parent magazine group or an approved group approving that sort of thing. It

was quite contrary to the code which we eventually established for the comic people.

The CHAIRMAN. Doctor, the Chair has before it a typewritten document entitled "Editorial policy for Superman—DC Publications." I will send that down to you and ask you if that is the code you helped prepare.

Dr. BENDER. I have seen this lately. No, this is not the one I helped prepare. The one I helped prepare is the one which was to this effect, that no character in the comic with whom the children could identify themselves, or their own parents, their own family, or their own country, or their own side, should be irretrievably damaged, killed, or mutilated, and neither should such a person with whom the child could identify himself or anyone on his side irretrievably damage or injure anyone else regardless of whether they were an enemy, or not.

That is to say, they should not have to bear the guilt of feeling that they were responsible for this damage having happened.

The CHAIRMAN. In what year was this code prepared?

Dr. BENDER. That code was prepared in the middle forties.

The CHAIRMAN. Have you ever seen this code?

Dr. BENDER. I just saw that for the first time night before last.

The CHAIRMAN. That is the code under which this publication is operating, is it not?

Dr. BENDER. Yes. It involves more or less the things I say except they go to certain other things.

The CHAIRMAN. They are more specific?

Dr. BENDER. They are more specific. Some of these things I wouldn't be so specific about.

The CHAIRMAN. As I understand it, Counsel, that code has been made part of the record?

Mr. BEASER. Yes, sir.

(The code referred to was submitted earlier by Mr. Gunnar Dybwad and appears on p. 70 as "Exhibit No. 9.")

The CHAIRMAN. Does counsel have any further questions?

Mr. BEASER. Just one.

You mentioned burning flames. Look at this picture here. It shows as a final scene a man being burned. You would object to that being distributed to children, would you not? I gathered that from your last remarks.

Dr. BENDER. I would say this: I think I could distribute that to the children. I don't know who the man is. I don't think they know who he is, do they?

Mr. BEASER. Supposing it was a magazine which depicted him as the father of a child, a father figure?

Dr. BENDER. Then I would object to it. You see, I objected to this thing about the sailors because it was our sailors.

Mr. BEASER. You would also object maybe to the sight of a child's mother and father being electrocuted?

Dr. BENDER. Well, I object to seeing that under any circumstances, if you don't mind.

Mr. BEASER. I have no further questions.

The CHAIRMAN. Doctor, the subcommittee is very grateful to you for coming here this morning. We know how busy you are. I am glad we got several points in the record cleared up.

The committee will now recess until 2 o'clock.

(At 1 p. m., a recess was taken until 2 p. m., same day).

AFTER RECESS

The CHAIRMAN. The hearing will be in order.

Counsel, will you call the first witness for the afternoon's session?

Mr. BEASER. Mr. Chairman, before proceeding to call the next witness I would like to introduce in the record a letter received from the American Psychological Association at our request, commenting upon crime, horror comic books, signed by Carl H. Rush, Jr., executive assistant.

The CHAIRMAN. Counsel has examined the communication carefully?

Mr. BEASER. Yes, sir.

The CHAIRMAN. It relates directly to the problem before us?

Mr. BEASER. Yes, sir.

The CHAIRMAN. Without objection the letter will be included and incorporated in the record at this point. Let that be exhibit No. 22.

(The letter referred to was marked "Exhibit No. 22," and reads as follows:)

EXHIBIT No. 22

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, D. C., April 20, 1954.

Mr. RICHARD CLENDENEN,
Subcommittee To Investigate Juvenile Delinquency,
United States Senate, Washington, D. C.

DEAR MR. CLENDENEN: In response to your letter of March 23, I should like to address myself to the general problem under consideration by the subcommittee which you represent. I have examined the comic books you sent and, although my initial reaction was one of surprise and disgust, I shall attempt to give you my considered opinion of their potential impact upon the behavior of children with special reference to juvenile delinquency. At the outset I should point out that I have had no direct experience with research on this topic and have arrived at the opinions contained herein only after careful examination of published research on the topic and a logical analysis of the problem. I should also add that my comments represent the personal opinions of an individual psychologist and not the consensus or official statement of the 12,000 members of the American Psychological Association.

At first glance it seems utterly impossible that these so-called comic books could serve any useful or functional purpose. They are lurid, splashy, sensational, and fantastic. Lessons to be learned, if any, are obscured by the noise and violence of action. The language is ungrammatical and crude, which, parenthetically, is true of a much broader class of such publications. In short, it is difficult to see why anyone would read such trash. Yet, there is abundant evidence to the contrary, people do read these books or at least we infer that they do from the circulation figures. There appears to be a strange sort of fascination about such materials; violence or threat of violence seems to pique the curiosity of humans. Furthermore, it is conceivable that this is a very general type of phenomenon that is observed in many different situations. People attending wild-west rodeos, racing events, daredevil shows, carnival exhibitions of freaks, and other such spectacles may be looking for a shock experience from which they derive a particular kind of transitory satisfaction. (It is almost as if the human organism has a need for periodic vitalization through the vicarious experience of a potentially traumatic, and indeed tragic event. But it is also possible that in all these things there are no lasting effects, no learning of any consequence; these are merely self-indulgences which excite for the moment and then are gone.

The fantasy life of an individual is probably facilitated by exposure to materials such as the horror comics. They provide a mechanism by means of which the person can escape from the pressures of reality which impinge upon

him. But in this sense the comic books are in the same class with liquor, popular fiction, movies, fairy tales, newspapers, and other mass media. All of these things are used as escape mechanisms and it is only in the extreme that such practices are potentially dangerous. As for the gruesomeness and horror, we cannot condemn the comics in this respect without questioning the contents of children's stories and fairy tales of all sorts. A number of authors have pointed out the amount of terror and violence contained in the tales of Hans Christian Anderson, Grimm, or even Walt Disney. There is a difference, however, in that these fairy stories are clearly fables and not reality, while the stories in the comic books are often placed in contemporary settings with real people. As one author has put it, the comic books differ in presenting their story in a very familiar world.

To return more directly to the issue at hand, I should like to present several general statements of opinion together with a brief discussion of each. A partial list of references is appended.

1. Although comic books have been the subject of many published articles in popular journals, there has been no incisive research on the topic. A few investigators have studied the relationships between comic book reading habits of children and other factors such as I. Q. school achievement, delinquency, etc. But these studies have been limited in scope and, in general, fail to provide us with insight into the dynamics of the problem. Hoult (16) for example, reports a study of 235 children aged 10-17 in which it was found that "delinquents" and nondelinquents read about the same number of 'harmless' comic books, but delinquents read many more 'questionable' or 'harmful' comics." Heisler (14) found no significant relationship between the reading of comic books and such factors as reading ability, achievement in English, vocabulary, intelligence, personality, or the size of the home library. Malter (17) analyzed the contents of 185 comic magazines and discovered that about one-third of all comic story pages is devoted to humor and an equal amount is devoted to crime. Strang (23) interviewed a sample of children in grades 1-12 and found no lasting detrimental effect of interest in comics upon reading habits. Many of the older adolescents felt that they had outgrown this type of material. In fact, comics often served as a transition stimulus to more mature reading.

From this brief summary of some studies in this topic area it can be seen that research has been concerned with segmental aspects of the problem. The approach is characteristically a correlational one which, of course, does not permit inferences as to cause and effect relationships. In part, the paucity of research on this topic is a function of methodological difficulties inherent in the subject matter. For, although the manifestations of juvenile delinquency appear suddenly and spontaneously, the determining or casual factors are of long standing. Clearly, juvenile delinquency is a developmental problem and because of this, truly incisive research can only be conducted on a longitudinal basis in which the subjects of the investigation are examined periodically over a span of several years. This type of research is beyond the means of individual investigators and requires some sort of institutional support.

Summing up this section, it seems apparent that research is sorely needed in this problem. If we are to understand the impact of the horror comics upon the behavior of normal and emotionally disturbed children, we must initiate a broad program of research and provide means for its support. It seems imperative, however, that this research be placed in a broad context, one in which the influence of comic books is but one aspect of a larger program which has as its objective the determination of the multiple causes of juvenile delinquency.

2. In view of the many factors which influence the behavior of children, it seems unlikely that any single factor such as the reading of comic books could be the major determinant of behavior. In this connection it is sometimes helpful to distinguish between predisposing and precipitating factors in considering the causes of behavior. In other words, there are a great number of experiences and relationships which influence the behavior of a child; his relations with his parents and siblings, the socioeconomic status of the family, housing conditions, membership in peer groups, school achievement, emotional adjustment. All of these forces, and many others, interact within the individual and presumably influence delinquent behavior. Placed alongside these influences, the comic books seem rather insignificant except as they might provide a trigger function for behavior. If all of the predisposing factors make a child "ready" for certain types of nonsocial actions, an idea derived from comic books may be the catalyst which provides impetus to the behavior. This, of course, is high speculation on which there is very little empirical evidence.

The more important issue, however, is that we should consider the question of comic books within the context of the child's total experience. To concentrate solely upon this fragment of his experience would seem unwise both in terms of the meaningfulness of the investigation and in terms of the recommended actions stemming therefrom. In short, it is my opinion that there are many factors which influence juvenile delinquency and when compared with these other factors, the reading of comic books seems quite insignificant. I do not wish to discourage investigation on this topic but it would be my recommendation that such an investigation would be more fruitful if conducted as part of a much more extensive investigation of the basic problem.

3. It is conceivable that comic books, regardless of their content, may serve some useful function in the education of this Nation's young people by pointing out the limits of bad taste, improper conduct, and antisocial behavior. Without attempting to develop a philosophy of education, I should like to point out my reasons for such a statement. In the education of children we are faced with a decision as to method which falls somewhere between two extreme ends of a continuum. At the one end there is a Victorian point of view which would advocate the protection of children from all that is evil or bad on the assumption that by so doing we would be teaching only good things. At the other extreme is an educational process which exposes the child to reality, to all the things among which he must at some point in his life discriminate. Obviously it is possible to adopt a position of moderation, an educational method which falls somewhere between these two extremes.

We can draw upon the vast literature in the field of learning for evidence in this matter. When we teach animals or humans to discriminate colors, sounds, or other stimuli, we find that the subjects must first become familiar with the differential characteristics of the stimuli in a series. As this familiarity develops, discrimination becomes more successful when the subject recognizes a particular stimulus as different from others, and also, perhaps more importantly, in what ways they are different. This process might be called constituting the variable in the sense that each subject learns the properties of stimuli at certain positions along some continuum and can make discriminations among them. Obviously the examples of color and sound are simple ones, but we may generalize to more complex learning situations. As an example, suppose we were concerned with music or art appreciation. It would seem desirable to give students exposure to bad paintings or music as well as excellent ones so that each individual can set up his own standards of "goodness" and "poorness." If we show them only the works of masters they may be unable to discriminate properly because they have not identified the properties of various points on the continuum.

It is in this sense that comic books may be useful as horrible examples of grammar, literary taste, and conduct. If placed in the appropriate context, parents may be able to point out the more desirable extremes of these continua by contrast. This, of course, places a great deal of responsibility on parents and/or teachers, but if the underlying assumptions are valid, such difficulties should not deter us. Once again I must state that these are only opinions, but they do represent reasonable generalizations from the findings in experimental psychology. There is an obvious need for research to demonstrate the extent to which these generalizations are appropriate.

In conclusion, I wish to express regret that I have no more tangible assistance to give your subcommittee. I speak for all our 12,000 members when I say that we share your concern with the problem of juvenile delinquency. We stand ready both as citizens and as professional persons to provide any further assistance you might require.

Sincerely,

CARL H. RUSH, Jr., Ph. D.,
Executive Assistant.

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Mr. BEASER. Mr. Chairman, I have a statement prepared by Joseph J. Fiske, education director, Cartoonics, who has asked that his statement be made part of the record.

The CHAIRMAN. Is Mr. Fiske in the room? I saw him this morning.

Mr. BEASER. He has left, sir.

The CHAIRMAN. He is satisfied to have this included without presentation?

Mr. BEASER. Without presentation.

The CHAIRMAN. Without objection, this statement of Mr. Fiske will be incorporated in the record at this point. I might say for the record the Chair has read the statement of Mr. Fiske and it relates entirely to the subject under inquiry here.

(The statement referred to is as follows.)

STATEMENT SUBMITTED BY JOSEPH J. FISKE, EDUCATION DIRECTOR, CARTOONICS, NEW YORK, N. Y.

It is a pleasure to come here today and appear before a United States Senate subcommittee that sits in the dignity and decorum so eloquently shown during its hearings held here yesterday.

The objectives of this subcommittee are being fulfilled without fanfare or politics—without baiting or criticism of witnesses, and except for the glare of TV, one would imagine himself before a United States Supreme Court tribunal.

The seriousness displayed by the members does justice to the cause this subcommittee is serving so thoroughly and so intelligently—but one cannot help but wonder why in the most important city in the world, at a time when juvenile delinquency is at its peak—so few parents, teachers, civic organizations, social workers, and many other groups claiming interest in this subject, all seemed conspicuous by their absence. Less than 50 individuals occupied seats in the hearing room and most of those were staff members or witnesses. Apparently the adults are the delinquents and the juveniles less so.

The most successful of the so-called comic books are those originating from the pornographic picture publishers, and it must be called that, accept that code of ethics which was printed by its own "code-authority" even that word is a misnomer as is also the name comic book.

A one-time owner and publisher of a St. Louis newspaper said: "The dictionary probably does not contain a word more inappropriate than "comic" to describe such a page (or book)."

After many years in the newspaper publishing field this expert could not rid himself of the confusion caused by what is known generally by "comics." His description of a comic page even in a newspaper, even before the forties, published under a lead editorial was as follows:

Little "Smitty" did a humorous turn on yesterday's comic page, but the subjects of 10 other comics could have been listed as follows: first fight; domestic quarrel; torture; death; murder; arson; despair; deception; fright; theft.

This publisher's analysis of the comic page further said: "We are just one of hundreds of clients of the syndicates that sell comics, and the latter's attitude is that the rest of their customers are apparently satisfied—so they cannot be bothered with our lone complaint."

Unfortunately the public is never vocal and comic books, like newspapers, are manufactured for profit and should not be condemned per se. This is clearly proven by the various witnesses who have appeared here and in other cities too.

What is desirable and necessary is a change in public taste.

During the "spinach" era, teachers complained that, among other "comics," Pop-Eye the Sailor was ruining the spelling of every "reading" child. That profession never followed up and educators everywhere left the subject to be pondered over by psychiatrists, psychoanalysts, and pediatricians.

In the meantime, while all the various educational and social agencies sat idly by, some of the comic book industry subsidized child study agencies, groups, and even parents' groups, filling the air with the rantings of those who sought the pot of gold.

The prevention of juvenile delinquency is far more important than fighting crime and horror in newspapers and books, or on the air waves, and TV, too.

Give the adult public proper substitutes for this filth and trash and the comic-book industry, now reduced by over 60 percent in sales, will soon eliminate itself. There will remain no profit in publishing smut, if the public is properly educated. Those who blame children for spending 50 cents to \$1.50 at one buying session on comic books should blame those who give their children such allow-

ances. In many cases some children work for such moneys and others have been known to steal in order to satisfy such an appetite.

Substitute clean comics, in good taste, with large type to aid in interesting reading, scripted in good English and proper grammar, and we will go a long way to eliminate juvenile waywardness. Keep children occupied, their minds active in athletics and in interesting education and we will have very little delinquency. In fact, I suspect most of it is even now a matter of adjectives only.

The CHAIRMAN. Now will you call your first witness?

Mr. BEASER. Mr. Monroe Froehlich.

The CHAIRMAN. Mr. Froehlich, will you be sworn? Do you swear the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FROEHLICH. I do.

**TESTIMONY OF MONROE FROEHLICH, JR., BUSINESS MANAGER,
MAGAZINE MANAGEMENT CO., NEW YORK, N. Y.**

The CHAIRMAN. Will you state your name, address, and association for the record, please?

Mr. FROEHLICH. My name is Monroe Froehlich, Jr. I am business manager of Magazine Management Co., 270 Park Avenue, New York City.

Mr. BEASER. Do you have a statement you wish to make?

Mr. FROEHLICH. I don't have any prepared statement. I have made some notes on matters which I think are pertinent. I want to be sure I stay within the area of fact rather than opinion.

The CHAIRMAN. Would you prefer to make your presentation from the notes or would you prefer to have counsel examine you?

Mr. FROEHLICH. I don't think it makes any difference, Mr. Chairman, just so long as I can refer to my notes to properly answer the questions.

The CHAIRMAN. You may proceed in your own manner, Mr. Froehlich.

Mr. BEASER. Will you tell us a little bit about Magazine Management Co., what it is and how it operates in the crime-comic field or in its total operation? I wish you would give a picture and perspective.

Mr. FROEHLICH. Magazine Management Co. is a partnership which owns a number of publishing corporations. These corporations publish comic books in various fields of editorial content, as well as a fairly large number of conventional magazines in different fields. Along with that we publish paper-back novels, also in various fields of reading interest.

Mr. BEASER. These are some of the comic books that you publish on the board here; is that right?

Mr. FROEHLICH. Yes, sir, those are some of our titles. We have roughly 60 titles which are active.

Mr. BEASER. Sixty comic books that are active?

Mr. FROEHLICH. Yes, sir; published either on a bimonthly or monthly frequency.

The CHAIRMAN. Does the Chair understand correctly that Marvel Comic Book Co. publishes 60 different titles?

Mr. FROEHLICH. Approximately, Mr. Chairman. Marvel Comics group is a nonentity, so to speak. Marvel Comics group is a name

applied to our magazines for advertising-space purposes. It is historic in our business to sell the advertising space in our magazines, whether they be comic or conventional style, on a group basis if you have two or more magazines as a publisher.

Mr. BEASER. Let me get the organizational structure a little clearer. How many corporations constitute Magazine Management Co.?

Mr. FROEHLICH. Magazine Management Co. owns stock in approximately 35 corporations.

Mr. BEASER. Those corporations are in charge of the publication of the comic books, the other books similar to this?

Mr. FROEHLICH. Yes, sir; we publish a wide variety of conventional magazines, hunting and fishing magazines. We have a book devoted to the automobile, a magazine called Auto Age, with styling features, and so on. In addition we have television magazines as well as a half dozen of the conventional motion-picture fan-type magazines.

Mr. BEASER. Do you distribute, yourself, these magazines you publish?

Mr. FROEHLICH. Yes, sir. We have a wholly owned distributing company called Atlas Magazines, Inc. The stock in that corporation is held by the publishing corporations, and we distribute no magazines other than those we publish ourselves. We are a publisher-distributor.

Mr. BEASER. Both?

Mr. FROEHLICH. Yes, sir.

Mr. BEASER. What you would call an independent distributor?

Mr. FROEHLICH. We distribute through the independent wholesalers in the United States.

Mr. BEASER. Do you distribute any comic-book magazines other than those which you publish?

Mr. FROEHLICH. No, sir, no magazines published by other publishers. We distribute only our magazines through Atlas, our wholly owned subsidiary distributing company.

Mr. BEASER. You distribute to independent wholesalers in various cities?

Mr. FROEHLICH. Yes, sir; exactly as Curtis, McCall Co.

Mr. BEASER. Can you give us the approximate size, as far as the comic books are concerned, of the monthly distribution?

Mr. FROEHLICH. I believe I can give you an average, based on the last 6 months of the printed orders. I would say approximately 10 million.

Mr. BEASER. A month?

Mr. FROEHLICH. A month, divided into roughly 30 to 35 titles per month.

Mr. BEASER. And of what variety are they, what kind of comics?

Mr. FROEHLICH. If I may have a moment I can give you the exact information on that. I understood you were interested primarily in the weird and so-called crime comics.

Mr. BEASER. Crime and horror comics.

Mr. FROEHLICH. I would like to have the right, if I may, to expand on that, because that is a very small segment of our total comic output. We publish approximately 4 to 5—it varies because of the frequency variations from time to time—so-called weird or fantastic or science fiction type of comics per month. That is out of a total

average production per month of 35 comics approximately per month. It breaks down as follows:

We have no crime books. We have two anticrime comics. One is called Justice and the other is called Police in Action. Justice is an old title; we published it for many years and it is based primarily on true cases, and so on, and in both of those anticrime comics we carefully adhere to what we think is the correct pattern, that forces of law and order are never held up to ridicule, government agencies as well as agents representing government are respected, and in the end the criminal always has a disastrous disappearance or experience. We have never had any adverse comment concerning those, to the best of my knowledge. I can't recall any correspondence, nor even one letter, about those two anticrime comics. We publish approximately 9 western comics per month, about 9 of the so-called war-type comics per month. I just saw a few up there, Combat Casey, Combat Kelly, and so on.

We have a large number in this so-called teen-age field, including some comics which again are very old, Miss America, Patsy Walker. They have a large sale and have gone on for years.

That is roughly 15 teen-age books, 9 in the war-type field, 9 in the westerns, 2 books which we call anticrime, Justice and Police in Action, and 8 so-called weird or science fiction or fantastic field.

Mr. BEASER. Now we had one that was put in as an exhibit yesterday, or rather we were shown a picture of it. I will have it brought on. It is from your Marvel comic group, Strange Tales, May 1954, which is a story of roughly a doctor committing hari-kari, letting his patient die early in the story, and ultimately it winds up with the scene showing the wife dead, the doctor with a knife in him beside her.

Now, you are a member of the Comic Publishing Association?

Mr. FROELICH. Yes, sir. We are just as disappointed and unhappy about the way the association has progressed as Mr. Shultz, who testified yesterday. Incidentally he is our attorney, and I and the other members of our firm have been very vocal in the last year trying to get a real association. As Mr. Shultz testified, it has been difficult. We feel the association has lost a great deal rather than gained.

Mr. BEASER. Mr. Shultz said something about the fact that the seal of the association, which is on your publication Strange Tales, is there but it is a self-policing business, that you yourself are the conscience of the enforcement.

Mr. FROELICH. That is the way it is now. Up to 3 years ago there was a real active self-censorship program in effect. Now I believe there are only three publishing companies that belong to the association.

Mr. BEASER. Would you say that a seal such as that, with the doctor lying there thrusting a knife in his stomach, and lying there dying, would you say that would conform to the code?

Mr. FROELICH. I would say this, Mr. Beaser. From what story is that?

Mr. BEASER. Strange Tales, that one right there.

Mr. FROELICH. It is very difficult for me to answer that properly because what we are doing here is taking four panels and trying to interpret a story from those four panels. I have read through these books. I can't say I scanned them extremely objectively but I do go through every one of our titles. I don't believe I can answer that.

I think I would like to go through the whole thing and answer your question.

Mr. BEASER. I am trying to ask how effective is the self-policing of the code?

Mr. FROEHLICH. I think it is very effective so far as we are concerned. I can't speak for all the companies in the business. As I say, there are only three publishers, including ourselves, who belong to the association. We try at all times to abide by the code.

Mr. BEASER. This you say would abide by it; is that right?

Mr. FROEHLICH. I think it is impossible for me to properly answer the question because illustrated here are 4 panels out of a story that may contain as many as 30 panels. That is the same thing as taking a still from a conventional motion picture, let us say, and using a still which by itself may be sensational to advertise the motion picture and therefore either condemn the picture as a whole—I am not trying to duck your question, I don't feel I can properly answer that.

Mr. BEASER. Let me ask you another question that might help me. Am I to understand that the code only means that if justice triumphs in the end, anything goes before that?

Mr. FROEHLICH. No, sir, far from that.

Mr. BEASER. Then I thought you could not depict scenes of crime such as that, and we have a few more.

Mr. FROEHLICH. I would believe that the code obviates the depiction of crime, but I think that segment must be considered as a whole rather than as a small part of the whole.

Mr. BEASER. This is from Adventures Into Weird Worlds, the May issue. It is the scene of a man being crushed to death by some sort of vise.

Mr. FROEHLICH. That is quite reminiscent of a very well-known story called The Pit and the Pendulum, which has been a classic in American literature for many decades. I don't know if the artist had that in mind at the time. Again I am not trying to justify it or say it is wrong. I feel that we are in the area of weird comics and only a very small portion of our business—it is all part of our concept of a merchandising program of publishing. I do have some notes on that, if I may refer to them.

Mr. BEASER. Go ahead.

Mr. FROEHLICH. This is on weird comics, on weird comics and reference to comics in general. I have a copy of the code. We have many copies in our comic department.

The CHAIRMAN. Will you furnish the subcommittee with a copy?

Mr. FROEHLICH. I will be happy to.

This is the code of the Comic Magazine Publishers Association. This supplants the code which was originally set up for us.

The CHAIRMAN. Counsel advises us that the code is already in the record.

Mr. FROEHLICH. Yes, sir.

(The code appears on p. 70, as "Exhibit No. 9.")

Mr. FROEHLICH. We welcome the opportunity to express our opinion concerning comic books and controversies pertaining to them. It is our considered opinion that in the main the public interest is best served through enlightened self-regulation resulting from full public discussion and resulting open competition. Invariably undesirable publications and those put out hastily by marginal publishers fall by

the wayside and worthy publications produced by conscientious publishers endure to entertain young and old.

We publish many old comic magazines and we fully realize our responsibility to the demands of youthful and adult readers of comics. I am referring now specifically to our line.

It is and always has been our aim to avoid production of such comic magazines as may be considered in any way conducive to lowering the moral and ethical standards of those who read them. With this in mind we sometime back retained the services of Dr. Thompson as a consultant. Dr. Thompson was a psychiatrist employed at the time by the Board of Education of the City of New York and after a year and a half the board of education decided that they would not permit an employee to continue as a consultant in an outside field and for that reason Dr. Thompson gave up her consulting position with our firm. Obviously at that time we stopped using Dr. Thompson's name.

Dr. Thompson consulted with the editor and prepared for us a code which we followed religiously. Since that date the code has been supplanted by the code drawn up by the Association of Comic Book Publishers which I believe was acknowledged to be a carefully planned, well thought out, and objective code yesterday by the members of the committee.

Under our arrangement with Dr. Thompson every comic book we published was submitted to her for reading and criticism. Changes were made in accordance with her criticisms.

In the main I can truthfully say during the time that Dr. Thompson acted as our consultant she had no adverse criticism for the great majority of our comic titles and when there was criticism we changed it in accordance with her recommendations.

Mr. BEASER. When was this?

Mr. FROELICH. Back in 1948 and 1949, for a period of a year and a half.

Mr. BEASER. She is no longer with you?

Mr. FROELICH. No, sir; because the board of education ruled that an employee of the board could not hold an outside position as a consultant, and for that reason she was supposed to sever her connection with us.

As a result of the framework within which we operate we have developed a well-organized, intelligent, regulatory procedure and continue to strive to maintain the high standard of our comic books. Our editorial and artist departments have been taught to understand the reactions of readers to the publications so produced. There is no question that a serious and directed effort with constant improvement at self-regulation has been successful as has been evidenced in the past by the favorable comment of many of those who have matched our work and effort and particularly by the fact that our sales of our entire comic line are consistently good as compared to our competition.

All of our comic book magazines, approximately 60 titles, are carefully edited with regard to the editorial as well as the art work contained therein. We avoid the publication of material which can be considered offensive or salacious. Obviously we try to stay within the code. We feel that we not only observe the code in the spirit but in fact as well.

Mr. BEASER. Is there not one provision in the code, as I recall from yesterday, relating to the depiction of scenes of crime and sadism?

Mr. FROEHLICH. Paragraph 2 of the code reads:

Crime should not be presented in such a way as to throw sympathy against the law and justice or to inspire others with a desire for imitation. No comic shall show the details and methods of a crime committed by a youth. Policemen, judges, government officials, and respected institutions should not be portrayed as stupid and ineffective or represented in such a way as to weaken respect for established authority.

That bears on the point I was making, to take a panel or two panels out of a story requiring 30 to 40 panels is not, I believe, sufficient to judge the entire content of that particular story or the book.

Mr. BEASER. That panel of the person being squeezed does not come within your definition of sadism?

Mr. FROEHLICH. Well, I question if I am qualified to answer that particularly, as that is a point which is in great dispute, as you know, otherwise you would not be having this hearing.

Mr. BEASER. What I am trying to get at is, that what it comes down to now is, that that is each individual publisher's definition or interpretation of the provisions of the code.

Mr. FROEHLICH. I think I will get to that in just a moment.

Mr. BEASER. I am sorry.

Mr. FROEHLICH. We have no so-called crime comics, but we do have the two anticrime comics I mentioned, Justice and Police Action, both of which are based on true stories, primarily. They are essentially no different than the conventional detective magazine. The stories in these magazines are presented to depict nothing other than respect for order and justice. Our code policy precludes the presenting of crime or criminals in a favorable light. Nor do we show the representatives of our government in ridicule or contempt. We at all times in these two books handle an endless story in a manner which contributes to the prestige of the individual and the organizations enforcing law and order.

Now with regard to weird comics specifically in our concept within our own line, we wish to be realistic. We are a private company engaged in the publishing business and the profit motive is what compels us to publish magazines in certain fields. We are in the publishing business and cannot change the reading taste of the public. We are in the publishing business just as any adult works in the normal course of his life for his living. That does not mean that we are not mindful of our obligations to the potential reader of all of our magazines. We are parents and fathers——

The CHAIRMAN. Let me get this straight, Mr. Froehlich. You say you cannot change the reading habits of your public?

Mr. FROEHLICH. I believe that basically would apply.

The CHAIRMAN. You are in the business for the profit motive?

Mr. FROEHLICH. Yes, sir.

The CHAIRMAN. Now by the same token a saloon keeper is in the business for a profit motive but he does not have to keep selling to a man until he is dead drunk, does he?

Mr. FROEHLICH. I agree. But I think the circumstances are far different because the saloonkeeper knows quite well what the effect is going to be if he keeps plying his customer.

The CHAIRMAN. Do all publishers today know what the effect will be on each individual?

Mr. FROEHLICH. No, Mr. Senator. I don't believe there has been any conclusive evidence to date. In here you will see if there is any evidence at all, however small, and it is agreed upon by a reputable substantial group of persons so that there is no divergence of opinion by the experts, we would be the first company to give them up because at best it is a minute part of our total business. I think if those magazines were carefully read for the weirdness, you will find that in every case the cover may be much more attention getting—not maybe but it is definitely more attention getting—than the editorial content contained therein.

The CHAIRMAN. I am sorry I interrupted you. I mean there is an area here that requires thorough exploration.

Mr. FROEHLICH. I certainly agree.

I can't overemphasize the point—well, from the point of our billing to the wholesalers in the United States those comics represent possibly 5 to 6 percent of our business. Certainly we are not going to hang on to something because of the profit motive involved which represents only 5 to 6 percent.

Incidentally the weird comics do not sell as well as the national average of all of our other books.

I believe I left off at the point which is that we are parents and fathers just as many of us here in this room. We watch sales trends, just as manufacturers do in many industries. Merchants and manufacturers of all types watch trends, and frequently change their products to meet the demands. Generally speaking, the stronger companies are those that are most alert and the most sensitive to sales patterns and in many cases those patterns are set by the consumer first and the manufacturer, the merchandiser involved, produces to conform to those patterns.

Mr. BEASER. Is it possible, then, that assuming that these are getting into the hands of kids in large numbers that they want them; therefore they are creating demand?

Mr. FROEHLICH. Yes; I really feel that way as to most of the folks with whom we have talked. One of the best proofs possibly of the point as to the readership is that I believe—I am not certain of this, but I think you will find that almost all the advertising in those books advertises adult items. Now the greatest majority of the advertisers are so-called mail order advertisers. They are interested in just one thing, results.

The CHAIRMAN. You are referring to the books on the board there?

Mr. FROEHLICH. Yes, which would indicate there is a substantial percentage of adult readership in our total sales figure.

Mr. BEASER. Also a large number of ads for kid stuff?

Mr. FROEHLICH. That is correct; but if you go through those books I think you will find most of the inside ads are aimed primarily at the adult market. The mere fact that those advertisers come back month after month would indicate that they are reaching for their customers the adult market.

Mr. HANNOCH. "Wash away ugly pimples"; do you think that goes to adults?

Mr. FROEHLICH. Yes, because I think the book itself is bought to a substantial degree by adults. Incidentally, as we all know, pimples

very often come with puberty. So I don't think it is unreasonable to carry an ad which might do something for a youngster 12 to 14 years old.

Mr. BEASER. You mean adults to include teen-agers?

Mr. FROEHLICH. I am saying it is quite difficult to evaluate your readership on these books, but I think there is a very substantial percentage in a true adult area.

Mr. HANNOCH. "Bed wetting, how to stop bed wetting."

Mr. FROEHLICH. That is an adult problem. Certainly not to the degree of a 2-month-old child, but certainly it is prevalent enough. You will find that in colleges, a person of college age, such as that. The Armed Forces know that.

Now may I continue?

Mr. BEASER. Yes.

Mr. FROEHLICH. I say we watch sales trends. We frequently change our product to meet the demand. When the demand was created for so-called weird or fantastic comics we felt that it was wise for our company to have a relatively few comics in the field provided they met the standards.

Now hanging over this part of our operation I can't overemphasize the fact that dollarwise it is 5 to 6 percent tops, but the Sword of Damocles criticism is directed by many in the direction of weird comics and this faces us with the problem of producing them or withdrawing from that phase of the comic market. We are in the comic business and we want to stay in it. It is a good business. There is no reason for it to be sullied by marginal operators.

If we are convinced that any comic magazine or any conventional magazine we publish causes harm to any reader, we would immediately discontinue such a publication. We are not so crass as to be unmindful of the effects on the reader, but to the best of our knowledge nobody yet has proven that our weird comics are harmful.

Now we are still in an area of mixed opinion on that point in general and additionally we get into an area of degree with regard to the art and editorial work in weird comics. We have many times spoken to our editors and we through the editors' supervision believe we adhere to the letter and the spirit of the code.

Mr. BEASER. Would you also say that nobody has proven to your satisfaction that any of these crime and horror comics can do harm?

Mr. FROEHLICH. I wouldn't say that. I have maintained a large file over the years on opinions as to the value and merit of comics, and within the comic field generally of specific types, for and against them. I have tried to do as much reading as I could as a layman on this subject, because I feel so strongly about the business. It is a good business. It serves a purpose just as a magazine of many fields and newspapers serve a purpose. The youngsters love them. The mere fact that we sell 7 or 8 or 6 million copies per month without advertising or without any conscious effort to create a demand other than a superior product would indicate that.

Certainly I know that the Gluecks testified before your committee; they certainly are highly respected as authorities in the field, and I was very much struck in their book *Task of Prevention*, which I believe is the layman's book, of the tremendous work they put together, with the following quotation:

Children have to live in a world as it is. Fundamental changes cannot be effectuated in a short space of time. Too many special interests, prejudices, values are concerned. Nor can children be made good by removing evil out of their experience. Character is not built that way. One does not correct the basic problems presented an energetic lad by taking movies and comics away from him. If he has need for such outlets he will get to them and deprivation is no cure.

Mr. BEASER. Do you believe then that anything could be put into a comic that would be detrimental to a child?

Mr. FROEHLICH. Certainly not. As publishers, and I am speaking only of our own line, I do not feel that we would at any time consciously put anything in any one of our magazines which might be detrimental to the reader. Now we can't evaluate fully obviously something that a reader might say of our magazines, how he would react to that. We don't know, but there is such a tremendous divergence of opinion among experts in the field I hardly think we are qualified to prejudge on that point. We would like to know.

Mr. BEASER. In your concern who does the examination for compliance with the code? Do you do it?

Mr. FROEHLICH. It is done, I would say, before and after the magazine is produced. I believe I made the point that our editor, assistant editors, and the artists with whom we work, as well as most of our writers, are familiar with the code, the fact that we have tried to adhere very, very closely to it, and after the magazine is ultimately printed I see them. Others in our organization see them. And I cannot honestly say to you that we read every word in them. It is a physical impossibility with the volume that goes through, but we do watch them.

Mr. BEASER. Where is the responsibility, on the artist or editor?

Mr. FROEHLICH. I hasten to add that occasionally a mistake may be made but ours is a hurried business, a business of deadlines. There are divisions of responsibilities and such factors that make for errors, but basically we believe that 95 percent of our total comic production is acceptable by any standard. We publish westerns, teen-age, romance, adventure, as well as comics, and occasionally comics in other fields.

I have a sad story to tell you about Bible comics, if I may touch on that point. Weird comics are apparently wanted by the reading public. There is a demand for them. We did not create the demand. We still don't create the demand. We do not advertise or promote, but we do want our share of the market if there are no deleterious effects. Nothing would please us more than to produce the technically finest possible comic, wonderful artwork, fine worthwhile editorial matter, etc. But I have news for you, nobody would buy such comics.

Mr. BEASER. Is the sole theory whether there is a demand?

Mr. FROEHLICH. No, sir; but we are in the publishing business, and if there is a demand for a certain type of published material and there is no reason to feel on a conclusive basis that there can be any harmful effects from the reading of any one of our publications, I hardly see why we should not fill the demand. I can hardly see it is any different from an automobile manufacturer stopping the manufacture of automobiles just because people get killed in automobiles.

Mr. BEASER. They do put brakes on them.

Mr. FROEHLICH. And so do we. We certainly do.

May I tell you about Bible tales? I mentioned 5 to 6 percent in dollar volume in our business is in the weird field. We have no crime comics.

Mr. BEASER. You have no crime comics under your definition of crime comics.

Mr. FROEHLICH. I think if a crime book is one which will depict a conventional crime story, the story of John Dillinger, then all the mass media are guilty of the same thing we are guilty of.

We published a comic magazine called Bible Tales. The sixth issue is out now. We were very anxious to move into this field if we could. There are no competitive books of this type on the market. We feel that it is a fine worthwhile type of publication and there may be a real market in the United States and Canada. Our editor went up to Yale Divinity School for guidance as to the sort of subject material that should go into this book. Each issue is a combination of better stories, better incidents, from the Old Testament and the New Testament.

We normally print 350,000 copies of a conventional magazine in the western field or in the teen-age field. We started with only 265,000 copies for the first issue. If there is a real market for this sort of thing we felt that because the print order was one-third less than we would normally print, that the sales percentage would be abnormally high. We went right ahead with the second and the third issues. The artwork is far superior. It is the finest artwork we could buy. The editorial is most carefully handled. The book cost us better than 40 percent more than the conventional comic, not including the income from advertising, which of course was lost in this thing. Unfortunately our final print order on the last issue is down to 230,000 copies. The book came in with a 34 percent sale, meaning we had sold only about 80,000 copies, and on that issue we lost over \$6,000. To date we have lost over \$29,000.

Mr. BEASER. What did you sell that for?

Mr. FROEHLICH. Ten cents. That magazine also enjoyed the finest display we could ever hope to get from the wholesalers of the United States. We previously communicated with them and told them what we wanted to do and what the purpose was. They went all out in giving the magazine a break saleswise, and in spite of that there are only 80,000 people in the United States who are willing to lay down a thin dime for a book of that caliber.

Mr. BEASER. Do all these magazines come under the editorship of a single person?

Mr. FROEHLICH. No, sir, we are departmentalized to a certain extent. We have some men's books, heavy on adventure. Those books have an editor. The motion picture magazines have an editor. The TV book operates under the same, but the associate editor is charged with them.

Mr. BEASER. You have one for comic books?

Mr. FROEHLICH. For comic books and two assistant editors, and so on.

Mr. BEASER. Does the editor have time to see the material before it is printed? I just want to get the mechanics first.

Mr. FROEHLICH. Does he ever see it?

Mr. BEASER. Does the editor in charge see the material before it is printed?

Mr. FROEHLICH. Absolutely. He buys it.

Mr. BEASER. Then he is the one who does the enforcement of the code if anyone does it?

Mr. FROEHLICH. In the next to the final analysis.

Mr. BEASER. Or is it his assistant who does it?

Mr. FROEHLICH. That is a "toughy." Our buying is handled only by our editors. Many of the revisions of the editorials submitted to them are handled by the assistant editors.

Mr. BEASER. How many people have their own interpretation of this code in its application?

Mr. FROEHLICH. There may be a half dozen. So far as the comics are concerned, only a few. There is no problem on the conventional magazine.

Mr. BEASER. You distribute these by mail or by truck or how?

Mr. FROEHLICH. Our magazines go mail, freight and express. In the case of the comics about 35 percent go by mail, the balance by freight, express, truck.

Mr. BEASER. Are all these entered as second-class mail?

Mr. FROEHLICH. Yes, sir. We don't publish a single magazine excepting an occasional so-called one shot which would not qualify for second-class mailing privileges and for which we don't apply for second-class entry.

Mr. BEASER. All those have been accepted for mailing and are mailable?

Mr. FROEHLICH. Yes. There is no reason why they shouldn't be. There are many magazines——

Mr. BEASER. We couldn't get them on one board.

Mr. FROEHLICH. I think I mentioned we have this magazine Auto Age and All the World's Cars, one shot, baseball, boxing, and so on.

Mr. BEASER. We have heard a few words about a possible practice called tie-in sales in the distribution of crime and horror comics. You are a publisher and a distributor?

Mr. FROEHLICH. Yes, sir.

Mr. BEASER. You deal then with the wholesaler who in turn deals with the dealer?

Mr. FROEHLICH. That is correct.

Mr. BEASER. Does your concern apply pressure upon the wholesaler to carry a complete line? Must he?

Mr. FROEHLICH. We wish he would. There are roughly 800-odd wholesalers in the United States. We operate our distributing company in the identical pattern that those other distributing companies follow, such as Curtis and Science, McCall Co. I believe we have 14 roadmen who would normally be considered the equivalent of salesmen who contact the wholesalers in their territories. We have many so-called open spots, an open spot being a—I would like to change that—there are wholesalers who do not carry our entire line for various reasons. They may carry only 20 of the 35 comic title releases per month. They may claim that the pressure is too great or the retailers in their area cannot absorb them. But we wish the wholesalers would carry our entire line. Most wholesalers in the United States do carry it. There are many open spots, however.

The CHAIRMAN. You were going to tell the committee what an open spot is, what you call an open spot.

Mr. FROEHLICH. For example, we publish 35 comic titles on an average per month. There are wholesalers in the United States who will

say "We will take 20 of your comic titles," at which point we have our roadman in there and he says, "Come on, this is the best selling comic line in the business, and there is no reason why you shouldn't take our other 15 and drop 15 distributed by our competitors." It is a constant pressure to keep your magazines going in there, but nothing like a tie-in, because we are not strong enough and the retailer through the wholesaler brings terrific pressure to bear on you. He will draw his copies from the wholesaler and drop them on the counter and never expose them for the sale, which is rough to take if you are a publisher, because you pay for that in the final analysis.

The CHAIRMAN. Can the retailer send them back at the end of the month?

Mr. FROELICH. Yes. Ours is a consignment business and they can send them back.

The CHAIRMAN. Within what period?

Mr. FROELICH. We try to have all the returns in within 60 to 90 days of the off-sale period, but you must honor your commitment to the wholesaler. We would do it under any circumstances, and if he should happen to find the copies of a magazine long after that period he can return them to his—referring to the retailer—if he happens to find them in the store and returns them to the wholesaler, the wholesaler will return such copies to us and we will grant credit for them.

I can honestly say that at no time do we lower the boom so far as return date is concerned.

Mr. BEASER. If a particular retailer or wholesaler sends back month after month one of your Mystery Tales, he would still continue to get whatever he wanted on some other of your products?

Mr. FROELICH. Yes.

Mr. BEASER. What happens in the wholesale end? If I am a wholesaler will you send me a copy of next month's Mystic and say "How many copies do you get?"

Mr. FROELICH. No, sir. Your allotments to the various wholesalers in the United States are generally set on the basis of experience. You know approximately what your other books—in the case of a new title you know approximately what your other books are doing in that field by that specific wholesaler. Go to your records and you set your allotment on that basis. We watch our allotments very, very carefully. We don't want to waste copies. We are more interested in a high percentage of sales than we are in total number of copies sold. So that we try to use every possible device to properly allocate the quantity per wholesaler. We check competitive records constantly. Through our roadmen we can get the figures on competitive books going into the various wholesale agencies just as the other companies can get the figures on our books.

Mr. BEASER. As a wholesaler, the first time I see next month's Mystic is when the bundle comes in?

Mr. FROELICH. That is right; but you know what you are going to get because you get a card from our distributing company's office advising as to the allotment. That is done so that the wholesaler in the area can break down the quantity for the retailers he serves.

Mr. BEASER. Now, you say there is no opportunity for you to bring pressure to bear upon the wholesaler?

Mr. FROEHLICH. We try to sell the wholesaler through our roadmen the same way as the manufacturer of cigarettes tries to sell more cigarettes to the wholesaler or the jobber handling them.

Mr. BEASER. Have you heard that pressure is being brought by the wholesalers upon the dealers?

Mr. FROEHLICH. No, sir. It may be. I can't answer that. I am too far removed from that end of the business.

Mr. BEASER. There have been, you know, some statutes passed in some of the States outlawing tie-in sales?

Mr. FROEHLICH. Yes.

Mr. BEASER. You still say that all these publications of yours are mailable in the post office?

Mr. FROEHLICH. Yes, sir. If the magazine is—if we know they are going to publish, rather, if we anticipate publishing four issues or more of a title we always apply for a second-class entry privilege. We can't get it on a so-called one shot. The magazine must be published at least four times a year.

Mr. BEASER. Is Focus mailable?

Mr. FROEHLICH. Yes, sir.

Mr. BEASER. Is I Confess also mailable?

Mr. FROEHLICH. To the best of my knowledge, they are. We have had very little difficulty with the post office. From time to time we have had some dispute in the N. and P. section because of the change in frequencies. There may be errors in the office pulling out the proper kinds of forms which might be nonmailable. It is very seldom.

Mr. BEASER. You think some of these may have been held nonmailable?

Mr. FROEHLICH. Occasionally, it can happen. But invariably, we could go down there and straighten it out. That applies to one issue. It does not affect the magazines over the continuity of time.

Senator HENNINGS. In those instances where the material has been held to be nonmailable, have they been in terms of the advertisements or reading content, or both?

Mr. FROELICH. It is generally considered as a package, Senator. That happens occasionally, and as soon as we find out the cause for that we immediately eliminate it. Again when that does happen you are working in an area of opinion. It certainly happens. A picture which may be accepted in a newspaper may become so prosaic, and you put the thing in a book and somebody will write in and say, "Gentlemen, that shouldn't happen," and the Post Office might take a stand one way or the other.

Senator HENNINGS. Is there some variation, too, in the postal districts?

Mr. FROELICH. Not that I know of. I think the procedure is quite standardized. I think the Post Office has always been extremely fair and reasonable in their attitudes. On the few occasions we have had difficulty concerning the entire scope of the production per year we have always adjusted it satisfactorily.

The CHAIRMAN. What was the nature of those difficulties?

Mr. FROEHLICH. We have run into an occasional problem such as this. We publish a comic book, My Friend Irma. Some time ago the Post Office ruled that such—I want to be very careful, I am not an attorney—but generally, if I remember properly, it was ruled to the

effect that the comic book, *My Friend Irma*, so-called royalty-type book, was in practice an advertising device featuring a central character. You see, *My Friend Irma* is a title on it by Cy Howard who, I believe, at that time was under contract with CBS and there was a series of *My Friend Irma* motion pictures as well as radio and television shows. In any event, the Post Office considered that our comic book, for which we paid a royalty to CBS on a per copy sold basis, was an advertising device featuring building up and enhancing the value of *My Friend Irma*, and they cracked down on it and said we were not entitled to second-class privileges. There was quite a hassle about it. Unfortunately we lost.

That set a pattern for the industry generally. It did not affect titles to which second-class entry had been granted prior to that decision, but since that time it is not possible to obtain second-class mailing privileges on so-called royalty-type books. I wish we had a lot more of them.

I have a few more comments. We were talking about the fact that we certainly know that we cannot change people's taste. Unfortunately this was very upsetting, to try to put out something that has a great deal of moral, esthetic value, and have it backfire like that. That does not mean that we should cater to every literary demand that will sell, but the lines in a few fields are not clearly defined.

If the gentlemen on your committee would tell us what we should produce in a comic technique such books probably would not sell. We have discussed this problem with many decent, intelligent persons, educators, psychiatrists, clear-thinking members of PTA groups, ministers, and so on. Inevitably such persons, if they do have criticisms, recommend a type of comic book which would appeal only to the small intellectual minority in the United States, and which would be basically uneconomic and inconsistent with the pattern followed by the other vast media.

Senator HENNINGS. That applies somewhat to television, so-called educational, documentary films, radio programs?

Mr. FROELICH. Yes, sir.

Senator HENNINGS. The word "educational" sometimes causes people to——

Mr. FROELICH. It has to be sugar-coated and made palatable. That is what we tried to do here.

If something were to happen to change the demand of our reading public so that the only comic that would sell would be simple, animated comics—and we have made books in that field—we would be all right.

I can assure you that we would definitely get our share of such business, but while the rules of the game are as they are, we wish to maintain a foothold in all areas of comic fields, however tenuous that hold may be, with one tremendous provision, and that is that there is no proven evidence of harm to the reader.

It is just as wrong to take motion picture selected stills and show bare legs and so forth and use the picture as representative of the entire industry as it is to take a relatively small number of comic books and brand a line on the industry.

At least 95 percent of our production is completely defensible and our remaining 5 percent may be in the area of mixed opinion. But in our opinion, it is injurious to none.

Now I think I should qualify that because in the last couple days, while I have not been here, I have read some of the testimony. If there is sufficient evidence to prove that anything that we might publish might be injurious to a child who is in the pattern of becoming delinquent, we would stop, we would be the first ones to stop.

This industry is highly competitive, and one of the vicious things that has happened to comics generally is that because of the fanatical pressure and exaggerated claims made about some comics in general, without being definitive in their statements, some good publishers have been forced to give up comic publishing.

As in Gresham's law, the bad drives out the good, and a few hard-skinned, marginal publishers we know, have provided most of what the public demand in weird and so-called crime comics.

The relatively few weird comics we publish cannot be considered in the category of those books, and our low sales figures for such books prove it.

Speaking generally, if the criticism leveled against the content of crime and weird comic books were to be carried to other literature, if all written material pertaining to violence, crime, savagery would come under scrutiny, then the very heart and sinew of literature might suffer.

If an era of moral stigma concerning specific acts, words, or individual intention in written word were to surround all the literature, then how explain the value of the story of Cain and Abel or the slaying of the firstborn Egyptian children in the Old Testament?

If violence per se had been outlawed from all literature, if the weird and savage in Taboo, would Mary Shelly have written Frankenstein, would Shakespeare have written Macbeth, would the legend of Billy the Kid, the homicidal gunmen known to present-day Americans of all ages, been written, would the stage be barren of the thrilling tragedies of Greek playwrights?

Would not this Nation have suffered had Harriett Beecher Stowe not written Uncle Tom's Cabin? It, too, was replete with action, torture scenes, violence, and death. It was a period of unrest, tension, and violence.

To then say to these kids you must not read about terror and occasional savagery, would be hypocrisy. Were these stories published by themselves with no other reason than to horrify, then criticism might be justified.

There is known to be present a period of calm, of relaxation, after witnessing or participating through reading of a violent fact. We have had plenty of information gleaned from newspapers and quotations from men of principle, psychiatrist and child guidance counselors and so on, to feel that way.

Obviously, there are many who feel opposite.

Mr. BEASER. You are talking about your own comics, or are you talking about all crime comics?

Mr. FROELICH. I am referring only to our own books. You ask me why we should have some weird books, which is a small part of our business.

For the reasons I have mentioned here.

Mr. BEASER. Some of your statements do not apply to other comics you have heard about?

Mr. FROEHLICH. I am not concerned with what the other people do.

Mr. HANNOCH. Which of your books would you say is like Cain and Abel and Shakespeare's Macbeth, and some of these other names you have given us?

Mr. FROEHLICH. I think the story of Cain and Abel is in some of the issues of Bible stories.

Mr. HANNOCH. Which of the horror comic magazines would you say compares to Cain and Abel?

Mr. FROEHLICH. I cannot offhand say, but I would be very happy, Mr. Hannoch, to have anybody from your committee, or all of the committee, come up to our office, and go through every book we published for a long time and try to assist you in every way possible.

I am sure we can find the answer there. I am making the point that occasional tales of violence, savagery, even crime, has stemmed from the year 1 in literature.

Crime comics, weird comics, gangster movies, western and science fiction might give the otherwise passive child an opportunity at least to repress violence. It may be true that such entertainment is an act of deterrent to the criminal impulse.

I believe we have heard some testimony from reputable people to that effect.

This is not an argument for or against a few weird comics. I merely wish to show that such comics generally are a modern adaptation of age-old themes in literature.

Mr. BEASER. I have no questions.

The CHAIRMAN. Senator Hennings?

Senator HENNINGS. I have no questions, Mr. Chairman. I do think that Mr. Froehlich has expressed some very important parallels or analogies in terms of the great literature of the world and great plays.

Hamlet has a number of assorted felonies. Macbeth, the Rape of Lucretia, and so on.

Certainly Huck Finn was a juvenile delinquent himself by the standards of that day, if not of this. And the saga of Billy the Kid and the Jesse James stories.

I know I read all of those. Maybe I would be a lot better than I am if I had not read them, but I read them with great interest and delight, and certainly the Shakespearean plays are playing on Broadway now.

It is difficult to single out which one of these things may have an adverse impact and to what extent.

Mr. FROEHLICH. May I add just one more thing. I think there have been some misstatements made to date which might unfairly brand the entire comic industry.

No. 1, the volume of sales. We figure, and I believe that we have a fairly accurate yardstick to use because we are publishers, distributors—we have our own men out to evaluate these things properly—that the sale is not anything like 70 or 80 or 100 million a year.

At the present time I would guess—not guess, but a real good estimate, would be in the area of 40 to 45 million per month.

Mr. BEASER. Sales?

Mr. FROEHLICH. Sales.

Mr. BEASER. How many printed each month?

Mr. FROEHLICH. Possibly double that at the present time. Normally you might figure there is a 60 to 62 or 63 percent sale.

Mr. BEASER. How many titles?

Mr. FROEHLICH. Possibly 415 to 420. That is very hard to measure.

Mr. BEASER. What is your minimum print order for distribution?

Mr. FROEHLICH. Ours?

Mr. BEASER. The normal.

Mr. FROEHLICH. Let us say it averages around 350,000. The total impact on all the factors affecting delinquency, juvenile delinquency, that can possibly be contributed by crime or weird type comics, can itself be only infinitesimally small or the sheer statistics of the operation.

The CHAIRMAN. The Chair has no questions, Mr. Froehlich.

I do want to thank you for your appearance here today and say you have been helpful to the subcommittee. We know that we confront a real problem in this field.

Mr. FROEHLICH. Mr. Chairman, if we can be of any assistance in any way, we are only too happy to do so. Our records are open to anyone on your committee. We shall be glad to help.

The CHAIRMAN. We appreciate your cooperation and your complete honesty.

Mr. FROEHLICH. Thank you, sir.

May I produce something as exhibits?

The CHAIRMAN. Yes, indeed.

Mr. FROEHLICH. I have copies of our comic stories thrown out.

The CHAIRMAN. These will be made part of the permanent files. Let those be exhibit No. 23.

(The comic books were marked "Exhibit No. 23," and are on file with the subcommittee.)

Mr. BEASER. Mr. William Richter.

The CHAIRMAN. Do you solemnly swear that the evidence you are about to give before this subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RICHTER. I do, sir.

TESTIMONY OF WILLIAM RICHTER, COUNSEL, NEWS DEALERS ASSOCIATION OF GREATER NEW YORK, NEW YORK, N. Y.

The CHAIRMAN. Will you state your full name, address, and association, for the record, please?

Mr. RICHTER. William Richter. My law office is at 150 Broadway. I live at 2600 Henry Hudson Parkway in Riverdale.

The CHAIRMAN. You represent the News Dealers Association of Greater New York?

Mr. RICHTER. That is right. I also represent the News Dealers Association of America. The News Dealers Association of Greater New York is the official association, the organization of the newsdealers of this city, particularly the licensed newsdealers.

The CHAIRMAN. Do you have a prepared statement?

Mr. RICHTER. No, sir. I have some notes here which I should like to call to the committee's attention, but I will be glad to begin my discussion by answering some of the statements that have been made by previous witnesses, if I may.

The CHAIRMAN. You may proceed in your own manner.

Mr. RICHTER. I am quoting from the newspaper reports. I did not hear the direct testimony, but I question one particular statement made by Henry E. Schultz, supposedly counsel to the Comic Magazine Publishers, wherein he stated yesterday, I believe, that there were no so-called tie-in sales to the newsdealers.

That I dispute and contradict and state that there are definitely tie-in sales to the newsdealers of this city. By tie-in sales I mean that the newsdealer has no choice. These magazines are foisted and thrust upon him. They come in a package with standard magazines, the so-called everyday reputable type of magazines.

They come in 1 package, in 1 bundle, tied together either with wire or rope, so securely that the newsdealer cannot in any manner or in any form inspect these magazines.

The CHAIRMAN. You mean, sir, with such publications as Collier's, Saturday Evening Post?

Mr. RICHTER. Yes, sir; Life, Vogue, House and Garden. They come in one package. They are thrown at him and in turn he is thrown a bill.

When I say thrown, I say literally thrown. He is given a bill, and incidentally, these magazines have not been previously ordered. These are the choices of the distributors.

The newsdealer cannot sit down as any ordinary merchant and pick his merchandise. There is no list presented to him of magazines which he may choose and which he may reject. He takes what is given to him.

As I say, it all comes on a take-it-or-leave-it basis.

The CHAIRMAN. Does this situation which you describe apply to all newsdealers?

Mr. RICHTER. Yes, sir; throughout greater New York, both the licensed newsdealers and the storekeepers. I say the licensed newsdealers number about 2,000, licensed by the city of New York. That is the type of dealer on the street corner, at subway stations, and so forth.

The CHAIRMAN. That condition must exist in other large cities, then?

Mr. RICHTER. I understand it is so. We do have contacts in other cities throughout the country. I understand it is prevalent throughout the country. The newsdealer does not select the magazines, and I speak for a great majority.

I think if the newsdealers had a choice they would reject these so-called horror magazines.

Senator HENNINGS. Why do you think they would?

Mr. RICHTER. I say I am quoting people that are out in the field. There is Mr. Ben Friedman in the hearing room with me today. He is a chairman of the board of the News Dealers Association. He himself is a newsdealer. He is at Times Square, the cross-roads of the world.

If you don't hear it in Times Square you won't hear it anywhere in the country.

I also have Mr. Jay Kay, the secretary and treasurer. He is at the entrance to the George Washington Bridge.

They have gone through the field. By the field I mean going through and visiting these newsdealers as part of their job as officers of the association.

I know I have personally talked with many newsdealers and I know if they had a choice they wouldn't want to deal with this trash.

Senator HENNINGS. I do not question your statement, but I was interested in their reasons.

Mr. RICHTER. The reasons are that they themselves have children; they won't bring that trash and junk in their own homes, and I daresay the publishers wouldn't do so.

I won't mention names, but I know in particular one publisher has stated, that put out some of these horror magazines, that he himself does not bring it into his own home for his own children to read. I think that is argument enough as to how they feel about it.

I have here a bill. As I say, they are not returnable. These newsdealers must accept this entire package. Of course, the newsdealer cannot in limited circumstances be a censor of these magazines, the good and the bad kind.

I say in all fairness to the publishers and distributors not all comic magazines are bad. There are some good ones. I have some good ones here.

I mean the Walt Disney type of comic books are good for children. I know that the newsdealers would be only too happy to sell that type of magazines. There are westerns that cannot be classified as bad, but I daresay that the majority of the comic books or magazines on the stand today are outright trash.

I know that the newsdealers would not like to deal with them if they had a choice.

Now, this is a bill given to the newsdealer and the Saturday Evening Post was brought with these other types of horror magazines. Now the choice to the newsdealer is either store them away or display them and sell them.

Now, a newsdealer, particularly a city newsdealer, operates in limited space. He has a news booth 6 by 5 by 3, 6 feet wide, 5 feet high, and 3 feet wide. If he stores things in his newsstand, he must necessarily stand on the outside in all kinds of weather and they are out in good weather, bad, night and day. They are little people. They deal in pennies.

They cannot possibly sit down, they don't have the time or the inclination or the judgment or the facilities to sit down and censor these magazines.

The newsdealers cannot possibly censor these magazines. They are taken as they are brought to them. They are flooded with them; they are swamped with them.

In most cases, I daresay in all cases, they display and sell them.

Now, this is April and magazines are coming out now for July. They are not returnable.

Mr. BEASER. You said that if he does not sell them he has to pay for them.

Mr. RICHTER. He pays for them before he returns them. He is billed for them and he pays for them.

Mr. BEASER. If he does not sell them?

Mr. RICHTER. They are returnable, but they are not returnable until outdated. The bill says no credit allowed for premature returns. If a magazine is dated July, he cannot receive them in April and return them the next day. He will hold them until July.

I daresay that if he returns them they don't go back to the publisher, they go to another newsdealer. It is a roundrobin. It is a vicious circle. They are never returned to the publisher until all means of selling these magazines are exhausted.

Mr. BEASER. You mentioned the Saturday Evening Post awhile ago. Would the number of Saturday Evening Posts he receives be cut in his next shipment?

Mr. RICHTER. Possibly, yes. He is under the threat of being cut. In other words, if he should return what the distributor may think is an unreasonable amount of magazines, he would be cut off completely.

Mr. BEASER. Have there been instances when that has happened?

Mr. RICHTER. Yes. So the newsdealer takes the line of least resistance. He accepts them as he gets them and does what he can with them.

Here is one magazine. The publisher appeared here yesterday, this Mr. Gaines, and how he could possibly sit here and justify his magazine is beyond comprehension. Have you gentlemen seen this thing called Panic?

The CHAIRMAN. We have seen many of them. I do not recall seeing that one.

Mr. RICHTER. This has a grotesque head. It is with apologies to Benjamin Franklin, incidentally. This fellow looks like Mr. Hyde of Jekyll and Hyde. This magazine to my mind is worse than one of the horror magazines. It is a demoralizing type of magazine. It satirizes, it ridicules the better comics.

The CHAIRMAN. May the Chair see that, Mr. Richter?

Mr. RICHTER. Yes, sir.

Comic books like Joe Palooka and Li'l Abner are ridiculed.

Senator HENNINGS. Li'l Abner himself ridiculed Dick Tracy, did he not?

Mr. RICHTER. Yes, but this is done in not a critical manner, but in a gruesome manner, in a vicious manner.

You will note in this magazine beyond the middle cover what they call Pan Mail. This magazine was banned in Boston and Mr. Gaines as the publisher seems to delight in that fact. He says, "Panic is a success. It has been banned in Boston."

Then he goes on to quote from the newspaper reports of that city. He says:

And what were we banned for? Horror? No. Sex? No. We were banned for lampooning the poem The Night Before Christmas.

Panic in the words of the Massachusetts attorney general, Finegold, depicts The Night Before Christmas in a pagan manner. That was taken from the Springfield Daily News editorial of December 23 and also quotes the Massachusetts attorney general, Finegold, threatened criminal proceedings last week against Gaines unless the comic book Panic containing the satire of the poem was withdrawn voluntarily.

He says his original intention was to defend that, but he says—when I say "he," Gaines, the publisher, the best way for him to do this is to quote from letters received from people to the magazine.

It does not identify who those people are, whether they be children, teen-agers, or grownups.

But let me, if I may, read to you two of the excerpts of letters that he publishes as justifying this type of demoralizing magazine. This is an excerpt of a letter:

Just finished Panic. Great magazine. And I think you should be boiled in oil, stretched on a stretch rack, whipped with a cat-o'-nine-tails, shot, knifed, and hanged, gassed, electrocuted, and buried alive for holding a great magazine like Panic from the public for a full year. Man it is a great comic, crazy, cool, and real dappy. This magazine will go hotter than hotcakes. When I got to the stand I bought the last one.

It was signed by someone from New York.

Here is another:

Have just finished reading the first issue of Panic. Really great. The best story was My Gun Is the Jury. As I was reading it, my mother came in and told me to put the book away. This got me mad. So I did it. I sawed the nose off an .88 and fired low, a little below the bellybutton. It went in clean and came out like a flying saucer, leaving a hole big enough to put my fist through, and without further interruption I finished the magazine.

Now, how any man can come here and publish rot like this and justify it is beyond comprehension.

Now, upon its face it may appear innocent. Can this poor little fellow on the street corner—I took it home the first time last night to read it. It appears innocent enough on the cover except for this grotesque figure of Benjamin Franklin.

But when I thumbed through it I saw what was confronting us. A newsdealer cannot possibly do this. So he just displays it and sells it.

Many times if the child appears to be of tender years the newsdealer will not sell him any horror magazine. He will say, "You had better come with your parents." Oftentimes parents come and oftentimes parents buy the magazine and oftentimes they would rather see the children buy a Walt Disney or other such type of animated cartoons or magazine.

Mr. HANNOCH. Would you refer me to the place where he apologized to Benjamin Franklin?

Mr. RICHTER. Yes, sir.

Mr. HANNOCH. I have it.

Mr. RICHTER. Do you have it now?

Mr. HANNOCH. I have it.

Mr. RICHTER. I might also say this as to the advertisement on the back of this magazine. I will find the same advertisement in a better-type comic book which is not offensive. Here is an advertisement on the back of this magazine soliciting children, boys and girls, and men and women, to buy certain religious wall mottoes for which they will receive prizes and money. It says here, "The world is on fire. Serve the Lord and you can have these prizes," giving these children the idea that by selling these religious wall mottoes they would be serving the Lord.

Now in the better-type magazine the serving the Lord had been omitted.

Mr. HANNOCH. They would get an ax, a knife, it says here.

Mr. RICHTER. Yes. You can see there is a clenched fist going down.

And by doing that they will be helping to stamp out crime, graft, dope, war, and drink.

We as an association have caused to be introduced a bill in the city council a copy of which I should like to show you, the purpose being to do away with many abuses of the newsdealers. Included in the bill is a provision that the publishers and distributors shall not distribute or sell to any licensed newsdealer, any publication that is lewd or indecent or any such publication that the city license commission or license department considers lewd or indecent or considers improper or unlawful for display or resale to the public.

We hope if this bill is passed it may serve its purpose.

Mr. HANNOCH. Do you think so, as a lawyer?

This is not lewd or indecent in the statutory sense, is it?

Mr. RICHTER. It may be considered improper. I was going to mention that it is too vague. There are no standards and there are no guides and I, as an attorney, cannot define to you what is lewd, obscene, and indecent. Our courts have differed. Our Supreme Court, as you may know, has upset section 1141 of the penal law which would have been a weapon to combat this.

I don't criticize the Court. I daresay that the law wasn't written properly. They should have guides and standards so that a layman—not a court or judge, but a layman—should be able to understand what is indecent and what is lewd and what is improper and what is offensive, so that a newsdealer himself could know.

I should not have to go around interpreting for these newsdealers. I think they should be able to see for themselves what is bad.

Our license commissioner for the city of New York has been trying to do a laudable job, but even his hands are tied. The courts are confused, the law is confused.

To my mind I think the solution to this entire problem perhaps would be a properly worded, properly coded, properly standardized Federal legislation with censorship of distribution.

Mr. BEASER. Mr. Richter, where does this pressure come from? You said Federal legislation. Is it the local wholesaler who is bundling these up and sending them in?

Mr. RICHTER. The distributor. The newsdealer has no contact with the publisher as such. His contact is with the distributor like Manhattan News, American News. He has no contact with the publishers. He takes what he does from the distributor.

You call them wholesalers. The wholesalers operate through distributors.

Senator HENNINGS. You are aware, of course, as an able lawyer, as to the difficulty of drafting such a statute?

Mr. RICHTER. I most assuredly am, sir.

Senator HENNINGS. If you as an expert in this field have any suggestions and would care to submit a draft to the subcommittee, I am sure we would be glad to have it.

Mr. RICHTER. I think you have felt the pulse when you said there are no standards, no guides, no proper definitions of what is lewd or indecent.

Mr. HANNOCH. Give some thought as to whether these impair the morals of children.

Mr. RICHTER. I cannot say. I am not an expert in that field. It would seem to me that it is a logical sequence that would follow from reading stuff of that kind.

I wouldn't allow it in my house. Fortunately my child is not of sufficient age to read, but when he can read he won't want trash of this kind, I can assure this committee of that.

Now, they are not all bad. We have all these horror things. You have seen some of these love comic books. To my mind, they are as bad as the horror books. Children buy them.

As I say, newsdealers have their magazines set up on a magazine rack. They cannot oversee them. They are not an ordinary storekeeper. The children come and buy them; they pay him, and off they go. He cannot censor it and he has no choice in what he can sell.

They would love to cooperate. As I said before, I think the fault lies with the publisher, lies with the distributor, and not the poor newsdealer who is at the tail end of this line, so to speak.

The CHAIRMAN. Mr. Richter, did you tell the subcommittee how many members you have? I have forgotten whether you did or not.

Mr. RICHTER. Yes, sir; we have a fluctuating membership of over a thousand. We also have an affiliate association representing storekeepers throughout Long Island, the Long Island Stationery Owners Association. They pay monthly dues. The dues are nominal, \$2 a month.

So it is not a money-making association by any means. It is an association of newsdealers banded together to aid each other and to serve the public. That is their motto. That they attempt to do.

The CHAIRMAN. For the privilege of membership they pay \$24 a year?

Mr. RICHTER. That is right.

The CHAIRMAN. Per dealer?

Mr. RICHTER. That is right, sir.

The CHAIRMAN. Thank you very much, Mr. Richter. You have been very helpful.

Mr. RICHTER. Thank you, Mr. Chairman.

Mr. BEASER. Mr. Alex Segal.

The CHAIRMAN. Do you solemnly swear that the evidence you will give before this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SEGAL. I do.

TESTIMONY OF ALEX SEGAL, PRESIDENT, STRAVON PUBLICATIONS, NEW YORK, N. Y.

The CHAIRMAN. Will you state your full name, address, and association, for the record?

Mr. SEGAL. Alex Segal, 113 West 67th Street, New York City, partner, Stravon Publications.

The CHAIRMAN. Mr. Segal, you will have to speak up because the acoustics are not all that they should be in a courtroom of this character.

Mr. SEGAL. Well, I don't publish comic books, so I have no prepared statement. But we are in the process of publishing a book on juvenile delinquency by a person that I consider probably one of the most outstanding authorities on juvenile delinquency, since he lived 5 years with boys' gangs here in New York and wrote a book which the Read-

er's Digest digested. He lived with them and they accepted him, although he is the son of a distinguished university professor.

Mr. BEASER. The reason you were asked to come here today was not because you published comic books, but because you are a publisher and you do advertise in comic books.

Mr. SEGAL. Yes.

Mr. BEASER. What kind of material do you publish and under what names?

Mr. SEGAL. Only one name, Stravon.

Here is a children's book that we publish. We do advertise it in the comics. It is Birdman. It is the story of Leonardo da Vinci.

In view of the discussion that went on regarding comics, it is interesting to note some of the remarks made that the children do not buy the better-grade comics, because here is an example of a very high-grade children's book on Da Vinci, in beautiful color, which we have advertised in the comics, and they have not responded to it in the manner you think. Now this is just one.

Mr. BEASER. What are the other publications?

Mr. SEGAL. I will show you all of them.

Here is a book called Mike and the Giant, the story of Michelangelo.

Mr. BEASER. Children's and adults' books?

Mr. SEGAL. No, these are children's books.

Senator HENNINGS. Mr. Segal, I notice in the first book you had that there are a number of reproductions of Leonardo's works.

Mr. SEGAL. Yes.

Senator HENNINGS. Now what does that book sell for?

Mr. SEGAL. This book sells for a dollar. We advertise it. We selected the name of "The Birdman" because Leonardo was known as a birdman at the time and this is a drawing, a drawing of his flying machine. That is after his own sketch. We deliberately selected it, hoping that the children who buy "The Batman" and buy the others would buy this. They do buy it in quantities of a few thousand a year, not 20 million a year.

Senator HENNINGS. You suggested in the advertising I presume that that was educational?

Mr. SEGAL. Yes, we did. We said they would enjoy it.

Now we have different kinds of ads on this book. I will go through all of the titles. Here is a title Mike and the Giant, the story of Michelangelo. Here is the story of the man who painted the sun, which is a children's story of Vincent van Gogh.

Here is a book, The Magic Painter, the story of Rembrandt. These are all for children between the ages of 8 and 14.

If I may, I should like to divert, before continuing to show all the other books. Here is an issue of the Library Journal. This is out just now, 2 days ago. You will notice an advertisement of Dr. Wertham's book, and I take no exception to the book as I did not read it, but in view of many things said here, it is interesting how the publisher or somebody selected that title, "The Seduction of the Innocent." Half the people will buy this book not because they think it is an expose of comics. I don't know what they will buy it for.

Senator HENNINGS. You do not, Mr. Segal?

Mr. SEGAL. Mind you, I am not taking sides in this issue; really, I am not.

By the way, in the same issue is an ad which was placed 2 months ago. There was an ad here for these four books, which is addressed to libraries. There it is right here.

On these four books, may I have permission to quote from the Washington Post:

Imagination and humor have been graphically employed. The books have high style, striking use of color and unconventional layout, and enhance the texts written in lively conversational fashion.

The Library Journal:

Ethic biography planned to entertain with clever design, thrilling narrative, and colorful sketches.

Mr. BEASER. For adults you also publish things called Mademoiselle Fifi?

Mr. SEGAL. Yes.

Mr. BEASER. In other words, you have the Sexcapades, the Home Life of Homo Sapiens, in addition to, How To Hypnotize, which you advertise in comics like this; is that correct?

Mr. SEGAL. That is correct. Here is the book. I would like to hold up the book so you can see what the book is like. This is a book on hypnotism by a practicing hypnotist who unfortunately last year died. Anyone who applies himself, and this is stage hypnotism; anybody who applies himself to this book will master the technique of hypnotism in a short time. Many have used this book to get into the entertainment field.

We even have testimonials from people who use it. Hypnotism has been used in various auditoriums, hospitals, to entertain.

I am not discussing the therapeutic value, because we have a book on four professionals on hypnotism, too.

Mr. BEASER. You also sell the advertise gadgets like airplanes for kids?

Mr. SEGAL. Yes.

Mr. BEASER. You do advertise in comics and you get a response, I presume?

Mr. SEGAL. Yes.

Mr. BEASER. You send out also some mail orders, some direct solicitations by mail?

Mr. SEGAL. Yes.

Mr. BEASER. Is this an example of the kind of advertising literature which you would be sending out. I am referring to a six-page pamphlet.

Mr. SEGAL. May I make a correction?

Mr. BEASER. Yes.

Mr. SEGAL. There is a front page missing. The front and back pages are missing there, which list the title of all the books on there, and on the book there is an order form on the back of it. In other words, there are two pages missing. Apparently, you do not have the complete folder there. The first page lists all the books that are in that catalog. On the second page is an advertisement for this particular book, which, by the way, is considered the finest book on cartooning, I think, in America today. I would like you to see the type of book this is.

Mr. BEASER. But this six-page pamphlet you have lists all the books you have for children?

Mr. SEGAL. No, it does not.

Mr. BEASER. The one that is complete would list books for children and books for adults?

Mr. SEGAL. That is right.

Mr. BEASER. It has your books for children and juveniles in it?

Mr. SEGAL. Yes.

Mr. BEASER. I would like to introduce that.

Senator HENNINGS. That will become part of the record at this point. Let it be exhibit No. 24.

(The document referred to was marked, Exhibit No. 24," and is on file with the subcommittee.)

Mr. SEGAL. That does not go to children. It goes to adults.

Mr. BEASER. When you get your response to advertisements such as this, and your Birdman and comic books, do you utilize the names you receive that way for direct mail advertising of your total books?

Mr. SEGAL. As of some time last year—that is perhaps early last year, we discontinued the renting of names to anybody on our books, regardless on what subject it is, and we have no longer rented those books for any type of publications.

Mr. BEASER. Those names.

Mr. SEGAL. Those names, for any type of publication or product that is at all objectionable.

Mr. BEASER. Theretofore, you did rent them?

Mr. SEGAL. Heretofore we were not as discerning, or not as alert to check the type of mailing of books on this list. But as of March of 1953, I think, we discontinued as such. If we do rent a name, it may be for subscription to Life or Time. There are not many rentals of that kind. We ourselves do not mail to our own juveniles the names of any products; we do not mail to them.

Mr. BEASER. Theretofore, you rented to persons who, you say, sent out objectionable material?

Mr. SEGAL. I didn't say that. I say in the province of this committee, it might be considered controversial in the sense that—is this good stuff, or is it bad stuff? I don't say we did, but I say we discontinued any rental. We ourselves never did.

Mr. BEASER. What kind of material was it?

Mr. SEGAL. I don't know. It may have been a book—a sex book for another company who rented our list. This is about the only type of publication.

Mr. BEASER. That list would have been secured through a comic book; is that it?

Mr. SEGAL. That is right. Our comic books we did not rent. I am talking about the general list. These names are on stencils. There are metal stencils which are held in a letter shop. We rented some names to a company, I think it was on a book, and accidentally the letter shop—these are in trays, there are 400 names in a tray—accidentally one of the letter-shop employees picked a tray of 400 children and they must have gotten some kind—I don't recall, it must have been a sex book, an honest to goodness—nothing objectionable per se in the book itself. They may have gotten it, and we got some inquiries about it, and we decided we would no longer rent these names to anybody, mistake or mistake. The revenue is very small. The total annual revenue may come to \$2,000 or \$3,000. It is an insignificant revenue.

Mr. BEASER. Whom have you rented it to the last year?

Mr. SEGAL. As I told you, I don't think I rented it to anybody. If we did rent it—I don't want to be held, because I didn't anticipate this type of questioning—but I don't think we rented it to anybody. We may have. If we did, it was someone without question of material.

Senator HENNINGS. How is that list compiled?

Mr. SEGAL. If you notice on the coupon, they send the coupon in, and that is the list. There are four pages missing in that folder; the front page which says a complete list of books, and on the second page is an ad for this book. On the next to the last page is another list, which is a coupon list. On the back is an address, and I think there is an advertising message. The second page is an ad for this book. The front page only lists the book, no advertising. On the back page is an advertising message and a report of the address. Apparently, you did not get the full booklet there. I can send one.

The CHAIRMAN. If you had rented it, there would have been nothing illegal about that; would there?

Mr. SEGAL. No, sir.

The CHAIRMAN. This material was all yours?

Mr. SEGAL. Yes; it is all our material. But, if a child accidentally gets a circular for a book describing a sex book or manual, and the parents see it, the parents become annoyed and complain about it.

Mr. BEASER. Have you received any complaints?

Mr. SEGAL. We have received no complaints in the last year. We didn't get the complaint directly. The publisher, or whoever it was, got the complaint and forwarded the names to us, "Please remove these names from your list, because we got a complaint about the receipt of this circular."

Mr. BEASER. It was your own circular?

Mr. SEGAL. No. When the person on the list received the circular, and the parent complained—there were only a handful—they complained to the advertiser who bought the list. So, the advertiser, in turn, said "these people do not want to receive literature of any kind, and they have instructed us to remove the name from the list." So we removed it, and since it gave us this nuisance, we said, "no more; we are discontinuing this," and we have no longer rented these names to anybody.

Mr. BEASER. Your coupon, here, does not indicate that the person who is buying the book must state the name; does it? The name need not be stated on the coupon? There is no room for the person buying one of your books such as "The Art of Love."

Mr. SEGAL. What name? His name?

Mr. BEASER. He does not have to state his age.

Mr. SEGAL. I think in this one it may not be. I am not sure. But we don't send that to adults. I think, at one time, on one book—a drawing instruction book—we used to carry on it, "Not sent to anyone over 21."

We hardly ever advertise this book any more.

Senator HENNINGS. Not sent to anyone over 21?

Mr. SEGAL. No; under 21; I am sorry.

Mr. BEASER. You do not use your mailing lists compiled from comic book advertisements for sending this out?

Mr. SEGAL. No.

Mr. BEASER. Then how do you account for the number of complaints to the Post Office Department from irate parents that their children, 15 years, 10 years, 9 years of age, have received your circular advertising your books?

Mr. SEGAL. Which circular?

Mr. BEASER. A circular from you, advertising "The Art of Love," for example.

Mr. SEGAL. We don't send these to children.

Mr. BEASER. How did the child's name get on the mailing list?

Mr. SEGAL. The child's name originally gets on a mailing list when they fill out the coupon, but we don't mail circulars to those children. They become inactive. We neither sell it nor rent it, nor use it ourselves.

Now it is possible, as I said, that occasionally a tray, like a year ago, will get mixed up; but we are not mailing to children at all of any kind even though we have the best children's books in the field. I say that, barring none, there is nothing that has ever been published of nature for children—even the titles here were selected with a view to getting the child interested in this type of subject. We were going to put out a whole list of these, by the way, but in view of the fact that the response has not been as great as we thought, we stopped at these four titles.

Mr. BEASER. I have no further questions, Mr. Chairman.

Mr. HANNOCH. As to this one book that I have here, "The Art of Love," the cover refers to some article, "What Every Boy and Girl Should Know."

Mr. SEGAL. That is not our book, sir.

The CHAIRMAN. It is published in London.

Mr. BEASER. It is advertised by you, though, is it not?

Mr. SEGAL. We don't have that. We don't advertise it for children. The majority of the places that book is advertised is in adult books, like women's romance books and male adult books.

By the way, that particular book, but not that particular issue, was given out as a premium about a year ago by a large soap company. It was given out as a premium with a certain purchase. Apparently it was not considered objectionable enough, because nine-tenths or eight-tenths of that book is Greek mythology, and certainly no juvenile delinquent could ever conceivably delve through that Greek mythology, to come to the 10 or 15 percent love counsel, that is given in that book.

By the way, talking of comics, Mr. Chambers has found in 5 years of work, that the gang boys do not read comics at all. He lived with them day to day, and he found they do not read the comics at all. There is a statement here which is so different from the usual conception, because very few people really know anything about juvenile delinquents. They know from reading other books. He lived with them for 5 years, and he says they never read the comics—the gang boys. Actually at one time he had to engage—go in with them on some of their, let us say, semiquestionable activities in order to maintain their confidence, because he was making a study of juvenile delinquents.

Mr. HANNOCH. We were talking about your ad. How do you know, when you get an answer back on one of these coupons, whether it is a child or is not a child?

Mr. SEGAL. All answers received from comics are automatically considered children. First of all, that book on hypnotism——

Mr. HANNOCH. I did not ask you about it. I asked you how you knew whether it was a child.

Mr. SEGAL. Any coupon coming from a comic is automatically considered a child, and we do not mail to it.

Mr. HANNOCH. It is put on a different list?

Mr. SEGAL. Yes.

The CHAIRMAN. Are there any further questions? If not, Mr. Segal, the Chair thanks you very much. You have been very helpful.

Mr. SEGAL. Thank you, Mr. Chairman.

Mr. BEASER. Mr. Samuel Roth.

The CHAIRMAN. Do you swear that the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROTH. Yes, sir.

The CHAIRMAN. You may be seated. Please state your full name, address, and association for the record.

TESTIMONY OF SAMUEL ROTH, PUBLISHER, NEW YORK, N. Y.

Mr. ROTH. My name is Samuel Roth. I live at 11 West 85th Street.

Mr. BEASER. What is the business you are engaged in?

Mr. ROTH. The business is publishing books and magazines and selling them.

Mr. BEASER. Under what names do you publish?

Mr. ROTH. Would you forgive me if I have an important question to ask the Chairman? It is very important.

Mr. Chairman, I am at present accused in New York County of a violation of section 1141 of the penal law, relating to alleged obscene publications, and of section 580 of the penal law, relating to conspiracy to effect such a violation. I deny guilt and contest the validity of the process there.

In view of this fact I feel that to answer the questions now to be put by your committee may place me in a position where, contrary to my constitutional guaranties, I may be forced to accuse myself or provide evidence by which I may be accused.

In view of that I must invoke my constitutional rights, protecting me against being made to accuse myself, and decline to answer.

I add that I do so with profound respect for the committee, and that I will comply with any competent order to testify if it is found I am under law obliged to do so, and in doing so, am afforded immunity provided in section 3486 of title 18 of the United States Code.

The CHAIRMAN. Do you invoke the fifth amendment of the Constitution?

Mr. ROTH. I don't like the sound of the fifth amendment.

The CHAIRMAN. You invoke your constitutional rights?

Mr. ROTH. Yes.

The CHAIRMAN. I want to ask the witness a question. First, did you say that you were presently under indictment?

Mr. ROTH. No. I haven't been charged, but I am a prisoner of New York County.

The CHAIRMAN. Senator Hennings.

Senator HENNINGS. I wanted to ask counsel, Mr. Chairman, what counsel had expected to prove or establish by the testimony of this witness.

Mr. BEASER. I had hoped to ask Mr. Roth the names of his firms, and receive a reply from him that he was doing business under the Gargantuan Books, the Centurion Press, Gargoyle Books, Book Gems, Falldock Books, and Paragon Books, samples of which we have given you, Senator, and to indicate that Mr. Roth does a very, very extensive mail-order business, solicits through the mails for orders for his books, and advertises these books in a very suggestive manner.

Senator HENNINGS. May I ask if counsel's statement is predicated upon an investigation made by the staff for this committee?

Mr. BEASER. Senator, the counsel's statement is predicated upon an investigation made by the staff and by counsel.

The CHAIRMAN. By counsel personally?

Mr. BEASER. Personally, or shall I say associate counsel.

We would hope to say that since adolescence represents an age, as the psychiatrists say, during which a youngster's normal sexual curiosity reaches a high point, that Mr. Roth's natural bent, as far as advertising is concerned, would lie in the juvenile trade; and that we have, with the assistance of the Post Office Department, gone through a representative sample of complaints received from irate parents of children getting Mr. Roth's materials and advertisements, which I am careful to cover up; and we were going to ask Mr. Roth to give us the sources of his mailing list, and to ask Mr. Roth whether, and from whom, he has purchased or rented mailing lists, and whether he has purchased or rented mailing lists in the past year from any person who, directly or indirectly, advertised in a comic book, or from a comic-book publisher himself.

The CHAIRMAN. Do you care to give the answer to that question, Mr. Roth?

Mr. ROTH. I will be very happy to do so if I am granted the immunity I ask for.

The CHAIRMAN. This committee has no power to grant you immunity. You have every right to ask this committee to protect your constitutional rights.

Mr. ROTH. What I read to you was not a statement of mine. It was a statement made by my attorney, who is not present. I feel that the only way I can put this to you is to ask you whether what is requested in my attorney's statement is being granted me. You would know that better than I.

The CHAIRMAN. I think in view of the situation that has developed here and the serious nature of the questions that have been posed, the subcommittee should take your case under advisement and consider all the factors involved, particularly the fact of your recent arrest, and call on you at another time.

Mr. ROTH. Thank you.

Mr. BEASER. Mr. Chairman, the witness is under subpoena. It might be advisable, until the subcommittee has decided what it is going to do, that he be kept under that same subpoena.

The CHAIRMAN. Without objection, that will be the order of the Chair.

Mr. ROTH. Thank you, sir. I shall consider myself on call.

Mr. BEASER. Mrs. Helen Meyer.

Do you mind being sworn? Do you swear that the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. MEYER. I do.

The CHAIRMAN. Thank you, Mrs. Meyer. Do you have someone who is going to assist you?

Mrs. MEYER. Mr. Matthew Murphy, the editor of Dell Publications.

The CHAIRMAN. Will you be giving evidence or will you be assisting Mrs. Meyer?

Mrs. MEYER. I don't know whether I will need him.

The CHAIRMAN. We will swear you anyway.

Do you swear that the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MURPHY. I do.

The CHAIRMAN. Will you both state your home addresses and your associations, with whom you are engaged, or by whom you are engaged?

TESTIMONY OF MRS. HELEN MEYER, VICE PRESIDENT, DELL PUBLICATIONS, ACCOMPANIED BY MATTHEW MURPHY, EDITOR, DELL PUBLICATIONS, NEW YORK, N. Y.

Mrs. MEYER. Mrs. Helen Meyer, 231 Montrose Avenue, South Orange, N. J. I am vice president of the Dell Publishing Co.

Mr. MURPHY. My name is Matthew Murphy, of 294 Bronxville Road, Bronxville, N. Y. I am employed by Western Printing & Lithographic Co., as Dell comics editor.

The CHAIRMAN. You may proceed.

Mrs. MEYER. Although we are not here to defend crime and horror comics, the picture is not as black as Dr. Wertham painted it. We must give our American children proper credit for their good taste in their support of good comics. What better evidence can we give than facts and figures. Here they are:

Dell's average comic sale is 800,000 copies per issue. Most crime and horror comic sales are under 250,000 copies.

Of the first 25 largest selling magazines on newsstands—this includes Ladies Home Journal, Saturday Evening Post, Life, and so forth—11 titles are Dell comics, with Walt Disney's Donald Duck the leading newsstand seller. Some of these titles are: "Walt Disney's Comics"; "Warner Bros. Bugs Bunny"; "Walt Disney's Mickey Mouse"; "Warner Bros. Looney Tunes and Merrie Melodies, Porky Pigs"; "Walter Lantz Woody Woodpecker"; "Margie's Little Lulu"; "Mom's Tom and Jerry."

The newsstand sales range from 950,000 to 1,996,570 on each of the above-mentioned titles. I mean newsstands only, and I am not including any subscriptions, and we have hundreds of thousands of subscriptions.

With the least amount of titles, or 15 percent of all titles published by the entire industry, Dell can account for a sale of approximately 32 percent, and we don't publish a crime or horror comic.

Dr. Wertham, for some strange reason, is intent on condemning the entire industry. He refuses to acknowledge that other types of comics are not only published, but are better supported by children than crime and horror comics. I hope that his motivation is not a selfish

one in his crusade against comics. Yet, in the extensive research he tells us he has made on comics, why does he ignore the good comics? Dell isn't alone in publishing good comics. There are numerous outstanding titles published by other publishers, such as Blondie, Archie, Dennis the Menace, and so forth. Why does he feel that he must condemn the entire industry? Could it be that he feels he has a better case against comics by recognizing the bad and ignoring the good?

Dr. Wertham, I am sure, has a fine reputation as a psychiatrist, but shouldn't the committee hear from other psychiatrists of equal stature? Of all the illustrations presented by Dr. Wertham yesterday, taken from crime and horror comics, needless to say, Dell was nonexistent, but I do take offense to his reading into the record an isolated story that the claims appeared in Tarzan comics. I should like more specific information on this particular story, and when this issue was published. Dr. Wertham has a great habit of using material from comic magazines that were published several years ago, and no longer being published, to help his case against the comics.

Dr. Wertham must have done some extensive examining of the 90 titles published by the Dell Publishing Co., as he went out of his way to point up the one story he didn't like in an isolated issue of Tarzan comics, probably published several years ago. Wasn't it unfair and destructive, rather than constructive, to read his condemnation of Dell Publishing Co.'s comics into the record? Shouldn't the good be given proper recognition, if for no other reason than to set the example?

With regard to Dell's refusal to belong to the Comic Book Association, Dell had no other alternative. When the association was first introduced, we, after thorough examination, saw that Dell would be used as an umbrella for the crime comic publishers. Dell, along with these publishers, would display the same seal. How could the newsdealer afford the time to examine the contents of each comic he handled? The parents and children too would suffer from misrepresentation. Dell didn't need a code set down by an association, with regard to its practices of good taste. We weren't interested in trying to go up to the marginal line in our comic-book operation, as we knew we were appealing, in the main, to children. We have no regrets. In addition to the good feeling we have created among our loyal following, we have profited financially. So you don't have to publish crime and horror comics for financial success. To the contrary, Dell's policy of publishing good comics has served as well.

Mr. Caniff and Mr. Kelly have told you how the syndicate editor as well as each newspaper editor are their censors. Dell has their censors too. World renowned citizens like Walt Disney, Walter Lantz, Mr. Fred Quimby, of MGM, Edward Selzer, of Warner Bros., Marge's creator of Little Lulu, and many, many others, wouldn't for any possible financial gains, allow us to publish their creations if we used their characters badly.

The CHAIRMAN. Thank you for that statement, Mrs. Meyer.

Does counsel have any questions?

Mrs. MEYER. May we show you some of our comics?

The CHAIRMAN. Do you have some to leave for the files?

Mrs. MEYER. For one thing, we try to do something, too, on the question of horror. We have taken two full-page colored ads in the Saturday Evening Post.

The CHAIRMAN. I am sure you are interested in eliminating horror comics, are you not?

Mrs. MEYER. We certainly are. And we would love to help you do it.

Here is an editorial by Dr. Polling.

Mr. BEASER. Will you please leave those with us?

Mrs. MEYER. Yes.

The CHAIRMAN. Mrs. Meyer is leaving this material for the files, as the Chair understands it. Let that be exhibit No. 25.

(The material was marked "Exhibit No. 25," and is on file with the subcommittee.)

Mrs. MEYER. Would you like to see the dramatic story of the largest selling magazines in the world, as compared to any other publishers?

The CHAIRMAN. We will receive those for the record, Mrs. Meyer.

Mrs. MEYER. I refer to this list showing the newsstand sales of all the leading magazines.

Mr. MURPHY. May I say, sir, that our primary purpose in appearing before the committee is to show that by publishing good comics, we not only outsell all other publishers of comics of all kinds, but that we have parental acceptance, which is indicated by subscriptions which run over a million a year, which are a dollar apiece. That is, many dollars a year in subscriptions, and the Dell policy is to publish good comics. Dell comics are good comics.

As an editor I handle approximately a third of these comics. I can say that we publish what we believe to be good comics and not what we know may be doubtful comics.

Mrs. MEYER. If there is any question of doubt I do not want it.

Senator HENNINGS. I was just going to ask the question which your statement embraced. If I may ask you one other thing, Do you feel that the competition, if such it be, from the horrors and the crime comics, to any great extent affects your business?

Mrs. MEYER. No. In fact, from time to time we run into periods where we have 100 men out on the road representing us, who would write us and tell us, this love comic is selling and this other one, and why don't we get into it. We just ignore the field.

Senator HENNINGS. You do not feel it is competition?

Mrs. MEYER. We don't.

Senator HENNINGS. It is a different field in a sense?

Mrs. MEYER. It certainly is, and I don't think it is profitable. All these people do is put them out and they have to take them back in again. I think all they do is earn a salary and help the paper man and the printer.

Mr. HANNOCH. What did you say your monthly sales were?

Mrs. MEYER. We print approximately 30 million comics a month. We sell over 25 million.

Mr. HANNOCH. These are the ones that sell for 10 cents?

Mrs. MEYER. For 10 cents, and we have some 25-cent ones, too.

Mr. HANNOCH. None of them have ads, do they?

Mrs. MEYER. We will only take ads in 10 monthly magazines. We will take only cover ads. We censor the ads. We take ads from General Foods and Mars. We are running an ad for Mars chocolates. They are all national advertising. We won't take anything but national advertising, no mail-order advertising whatsoever.

Mr. MURPHY. Most of our books appear without any advertising at all. This 25-cent issue has no advertising in it.

The CHAIRMAN. Would you agree with the Chair that we ought to look for some new definition of comics and what field is covered by the word "comics"?

Mrs. MEYER. Yes, I do. In fact I felt that I should really be represented here. First, we didn't even want to be classed with the crime and horror comics. Yet when we more or less did get into it, I felt we should be here to tell you our story.

We abhor horror and crime comics. We would like to see them out of the picture because it taints us.

Mr. MURPHY. We would like to show, too, that although we publish a third of all the comics published, the horror and crime comics which Dr. Wertham yesterday said constituted a majority of the comics are really in a minority, and the percentage of them has to be very small because of the number that we publish alone, and we publish no war, no horror, no crime, no romance.

Mrs. MEYER. We sell 3½ million of Walt Disney's Peter Pan comics. That is a wonderful document, isn't it, against crime comics?

Mr. HANNOCH. Do you ever get complaints from grandfathers who get tired of reading these over and over again to their children?

Mrs. MEYER. We don't get any such complaints. I know when my children were young, I had to read my own comics to them, but of course it was wonderful then. Then I knew everything that was going on in each of our comics.

The CHAIRMAN. Mrs. Meyer, this subcommittee is grateful to you for your appearance here today. You have been very helpful.

Mrs. MEYER. Thank you.

The CHAIRMAN. Now in adjourning these New York hearings on crime and horror comics until further call of the chairman, I wish to state that the subject matter of these hearings will receive further careful study and consideration by the subcommittee.

Certain questions such as tie-in sales, for example, represents one of the several which we will have to resolve. Without attempting at this point to draw any conclusions, I wish to again reassure all interests concerned, that the subcommittee is aware that the evaluation of the total situation, in relation to the production of comics of this type, is a complex one and one which involves many, many facts.

I also wish to repeat that these hearings on horror and crime comics represents but one form of the mass media to which this subcommittee will give attention at a later date. We believe that the public has a right to the facts, the right to know what the effect of this and other media is upon children, to know who is setting the standards for the media, and how the industries concerned operate, in relation to the observance of any standards.

The subcommittee would also like to thank the authorities here in New York who have made this room, and other facilities, freely available to us. We also wish to express our appreciation for the interest shown and the cooperation given by the press, the radio, and the television.

It has been a great privilege for us to be here in this great city of New York, trying to solve not only one of your problems but a problem which exists throughout the Nation. Thank you very much.

The committee stands in recess, subject to the call of the Chair.

(Whereupon, at 4:15 p. m., the committee was recessed, subject to call.)

JUVENILE DELINQUENCY

(Comic Books)

FRIDAY, JUNE 4, 1954

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY,
New York, N. Y.

The subcommittee met at 10 a. m., pursuant to call, in room 110, United States Court House, New York, N. Y., Hon. Robert C. Hendrickson, (chairman of the subcommittee) presiding.

Present: Senators Hendrickson and Hennings.

Also present: Herbert W. Beaser, chief counsel;¹ Richard Clendenen, staff director; Peter N. Chumbris, assistant counsel-investigator, and Ed Hart, subcommittee consultant.

The CHAIRMAN. The hearing will come to order.

Today's hearing is a continuation of our subcommittee's investigation of that segment of the comic-book industry which deals with lascivious and lustful crime and horror material. The chairman wishes to reiterate what he said during our opening hearing on this subject on April 21, that we are not in the least concerned with about four-fifths of the output of the entire comic-book industry. We are attempting to find out to what extent questionable type comic books affect the mind of American youth.

We began the hearings and have continued them in the spirit of objective exploration. We are not out to get anyone.

Again I must reiterate, we are not a subcommittee of bluenose censors. We are not, and have never been, a senatorial investigatory body unmindful of the dignity of the United States Senate, or unmindful of our obligation to investigate solely various facets of the problem of juvenile delinquency. We work in fields that we feel are pertinent to our subject. Only if we operate with common sense, decency, and a sincere interest in finding the answers to the complexities of the youth delinquency problems, can our subcommittee hope to make proper recommendations that will reverse the trend, or, at least, retard the rise in our disgraceful juvenile delinquency rate.

The response to our earlier hearings into horror comic books has been extremely gratifying to the chairman and my subcommittee colleagues, and to the staff members who have done a splendid job of preparatory work.

¹ Herbert Wilton Beaser succeeded Herbert J. Hannoch as chief counsel to the subcommittee on May 1, 1954.

Our previous hearings dealt primarily with the publication of the comic books with which we were concerned. We heard from publishers, artists, psychologists, teachers, and public officials, many of whom have the same concern with these horror and crime comics that we have.

Today we are going to look into the matter of selling and distribution practices, and into certain proposals which have been advanced as helpful in combating the detrimental influence upon youth of certain types of publications.

Before we hear our first witness, I want to state that as a result of our 2-day New York hearing, there are several hopeful signs that the comic book industry as a whole has become concerned at the revelations brought out thus far. There are signs of movement within the industry in the direction of improving its total product. The responsibility resting upon the industry is very great. My colleagues and myself will watch with mounting interest every step in the right direction, which the industry takes, that will demonstrate its cognizance of its own responsibility to the parents and youth of our country.

I wanted to say here that I regret that my colleagues today are engaged in other matters of great importance in respect to their senatorial duties and they cannot be with me.

Now, it is my great pleasure to introduce to the television audience this morning a very distinguished son of New York, a member of the New York State joint legislative committee, which was designated to study the publication of crime comics.

I don't know where they got the word comics, Assemblyman, but they certainly are not comics. It is a pleasure to have you here. It is a tribute to the subcommittee that we have your distinguished presence.

I will now turn you over to the counsel for the subcommittee who will demonstrate your knowledge of this subject with his own proven ability.

Mr. FITZPATRICK. Thank you, sir.

Mr. BEASER. Would you be sworn, Assemblyman?

The CHAIRMAN. Do you solemnly swear that the evidence you are about to give before this subcommittee of the Senate Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FITZPATRICK. I do.

The CHAIRMAN. I would like to say before you begin that we have been swearing all witnesses as a matter of tradition with this committee.

Mr. BEASER. Will you state your full name, your home address, and occupation.

TESTIMONY OF HON. JAMES A. FITZPATRICK, CHAIRMAN, NEW YORK STATE JOINT LEGISLATIVE COMMITTEE TO STUDY THE PUBLICATION OF COMICS

Mr. FITZPATRICK. James A. Fitzpatrick, 88 Beekman Street, Plattsburg, N. Y.; member of the New York State Legislature, assemblyman; chairman of the New York State Joint Legislative Committee

To Investigate the Publication of Comics, and in private life, an attorney.

Mr. BEASER. How long has the committee of which you are chairman been in existence?

Mr. FITZPATRICK. Since 1949.

Mr. BEASER. Have you made any findings as a result of your investigations and hearings?

Mr. FITZPATRICK. We have.

Mr. BEASER. What are your findings?

Mr. FITZPATRICK. Well, sir, and, Senator Hendrickson, if I may be permitted to do so, I would like to make a statement first.

The CHAIRMAN. You proceed in your own way.

Mr. FITZPATRICK. I also would like to ask that I be afforded slight latitude, in that I was unable to attend the previous hearings, and I would like to place in the record a general summary of the work we have done in the State of New York and particularly, our findings and conclusions with respect thereto.

May I say, as a member and chairman of this New York legislative committee, that I am not only delighted to have this opportunity to appear, but on behalf of my committee I should like to express our gratitude to you for the work you are doing, and to state how pleased we are that this subject is receiving the attention of the United States Congress, because we feel that it is one of the most serious subjects that now faces the people of this country.

I first became interested in this subject in 1949 when I introduced regulatory legislation in the State of New York dealing with comic books.

Shortly thereafter, and in the same year, the New York State joint legislative committee to study this subject was created.

The CHAIRMAN. You understand, Assemblyman, that this subcommittee is not trying at all to invade the States or take away any authority of local government. We are trying to furnish some degree of leadership at the national level.

Mr. FITZPATRICK. Yes, sir; and I wish to make it quite clear that we are particularly delighted because we feel that this problem is so large that it must be handled effectively on the Federal level, and that while we feel we can do something in the States, we are hopeful that there will be Federal legislation forthcoming as a result of your studies.

Now, we have concluded after making our studies that the studies have conclusively demonstrated that a substantial percentage of publications, in the crime comic field and particularly in the pocket book and picture magazine field, which I understand you will get into at a later date, contain offensive material primarily concerned with crime, horror, sex, and lust, and that a constant reading of this type of material has been a direct and substantial factor in the sharp increase in juvenile crime and in the lowering of the whole general standards of morality of our youth.

Our most recent report, the report of the New York State joint legislative committee, has been made available to your committee and I am very much pleased to say that, as a result of our efforts this year, Governor Dewey has signed into law three bills dealing with crime comics and with indecent publications. The bills are

printed in the appendix to the report. The bills that have been signed include a tie-in-sales, a bill that you are very much interested in at the present time, as I understand it.

We have tripled the existing penalty under our penal law for the sale of salacious material, and we have also written into our law a new authority for injunctive relief to be sought by mayors of cities and corporate counsels of cities, or by the chief legal officers of other units of government, that do not actually have corporate counsels because of their small size.

Now, I should like, if I may, to submit a copy of this report in evidence at this time, and to request that it be included as a reference and incorporated as a part of my remarks and part of my testimony, by and on behalf of my committee, as chairman of the committee.

The CHAIRMAN. It will be the order of the subcommittee that this report be made a part of the subcommittee's files.

(The report referred to was submitted earlier by Mr. Richard Clendenen as "Exhibit No. 4c," and is on file with the subcommittee.)

Mr. FITZPATRICK. Thank you, sir.

I should also like at this time to invite your attention, Senator, to the remarks made by the former chairman of this committee, Assemblyman Joseph Carline, who appeared before the Gathings committee, and testified at quite some length during their hearings in Washington.

I should like also to invite your attention to the fact that in this report we have included a summary, not only of our previous work and findings with respect to comic books, but with respect to pocket size picture books, and with respect to television, and I understand you are going to have some television hearings here tomorrow.

I have read with great interest both the report of the Gathings committee and the proceedings of Senator Kefauver's committee studying crime in interstate commerce.

I was particularly interested in a letter written to Senator Kefauver by J. Edgar Hoover in August of 1950, for in it he states that the basic cause of the high rate of juvenile crime is the lack of a sense of moral responsibility among youth.

This seems to me to be the key to the whole problem now being studied by this committee, and I feel sure that you will conclude, beyond any question of doubt, that the horror and crime comic, the obscene pocket book and the so-called girlie magazine are among the principal factors helping to pervert, warp, undermine, and completely destroy all sense of responsibility, moral or otherwise, of today's youth.

This being the case, it would appear that the time has now come for all agencies of government, local, State, and Federal, to unite in a concerted effort to rid the newsstands of this country of the current torrent of filth in print.

The CHAIRMAN. May I interrupt your prepared statement.

Which of these two types of magazines or publications do you think have the most serious influence on our young people?

Mr. FITZPATRICK. As I point out later in my statement, I think Dr. Wertham, who has testified before your committee, and who has testified before our committee, and who has recently published a very excellent book entitled "Seduction of the Innocent", has put his finger

on it when he says we, in effect, start youngsters on the crime comic and the horror book in their younger years, and then graduate them to the completely salacious type of pocket book that we have here and, therefore, influence them right from the time when they are first interested in comics, right through their earlier years into adulthood.

I think they both have a direct influence in various age groups. I think the whole thing is combined.

The CHAIRMAN. You will treat with that later?

Mr. FITZPATRICK. Yes, sir.

The CHAIRMAN. I am sorry I interrupted you.

Mr. FITZPATRICK. That is perfectly all right. I am glad to have you do so at any time.

Now, Mr. Hoover also specifically stated in that same letter to Senator Kefauver, back in 1950, that the availability of salacious literature and presentations of any type making mockery of democratic living and respect for law and order, are important causes leading to an unhealthy crime situation among young people.

If there remains any doubt that comics are offering sex, horror, perversion, disrespect for law and a completely warped sense of values. I should like to refer this committee to our report and to one of the most flagrant examples I have yet seen, a so-called comic entitled "Panic," and published by "Tiny Tot Comics," and the managing editor is Mr. William M. Gaines, who testified before your committee on a previous hearing.

The CHAIRMAN. I shall never forget his testimony nor his demeanor.

Mr. FITZPATRICK. I believe after you have read this comic book you will never forget this comic book, either, because I have been studying this subject very hard for a long time. I have never yet seen anything which equals this, nor which so well demonstrates the very type of evil that I believe we are trying to reach.

Now, if I may beg your indulgence for just a few moments, I would like, first, sir, to submit to you some photostats of sections of this particular book, and I would like to make reference to them very briefly, bearing in mind that this is published by Tiny Tot Comics.

In the first place, sir, you will notice that the very first section—first, the cover, sir, is obvious. Then inside you will note that they say they frankly didn't think this kind of thing would sell; that they had published a predecessor called "Mad," and they didn't think it would sell, but they found it did, and they put out Panic. This is the first issue of Panic.

The first page of the first issue of this new comic book No. 3 of your photostats, is entitled "Sex and Sadism" department. Now, this is for tiny tots. The chief character in the first skit is a man who apparently is a private eye. He comes in a room where a man has been badly mutilated. He says he will get the man and that the man will die, and that he will use dum-dum bullets which will go through his body and leave a very large hole.

His companion says, "You make me sick."

This is what is very important, sir.

The author of this thing then writes, "I make myself sick, but those idiots out there"—meaning the people who read the book—"buy this stuff; they eat it up; they love it; the gorier the better, this and sex."

Now, if there ever was a complete and utter demonstration of the

reason for the publication of this book, I respectfully submit, Senator; there it is and there it is in print.

He is not satisfied with that. He comes up to this girl. He tells her he is a private investigator. She says, "How would you like to investigate me, honey?"

She starts to undress and he shoots her. "She gurgled up at me, spitting blood. She was still alive. I rammed my heel down into her face and did a graceful pirouette on her nose, grinning."

Again his companion says, "You make me sick," and again he repeats and comments, "I told you, Pat, I make myself sick, but I am supposed to be like this. These fiends out there love me like this."

Then it goes on and, incidentally, as you will note in Mr. Hoover's statement, he particularly warned about publications that make a mockery of the police.

I show you again, I believe it is on your next photostat, what they are doing to the police, "Dumb highway patrol cop," and then a picture of a policeman that looks much more like a mastiff than a policeman.

Then this book proceeds and we again find a photostatic sequence in the same plot that is not only fantastic, but which is complete and utter perversion. I am referring now to the sequence where this so-called private eye proceeds to this girl's home—and she, incidentally, had been requesting him to come with a statement that if he came he could have everything, including her. She then, and remember this is all for children, or could be for children; it is 10 cents on any stand; she then takes——

The CHAIRMAN. However, I might comment for the record, that I had a naval officer tell me that he frequently went the rounds on his ship and threw a lot of these things over that the young sailors bring aboard.

Mr. FITZPATRICK. Right, sir; I was a naval officer for 3 years, and I know you are absolutely right. I know that the Navy during the last war banned certain types of comic books from the sailors in Korea, and whether they are for children or adults, this type of thing should not be published.

This is so flagrant that I just want to beg your indulgence for 2 or 3 more minutes.

She then drags this man up to her room and goes through all of the gyrations which are evidenced in the photostats, and finally begins to undress.

After additional invitations he then kills her and she turns out to be a man—complete and utter perversion.

Now, skipping over the rest of this rot—and I call it rot without any reservation whatsoever—we come to the comic book idea of how the Night Before Christmas should be presented, one of the most wonderful poems that we have ever had in our entire history, I believe. It starts out with the presentation of dead carcasses, which is not quite so bad, and then proceeds to stockings hanging before the fireplace, which takes the form of panties and a girl's leg with a garter on it, "Visions of sugar plus," Marilyn Monroe and Jane Russell; "Mama in her kerchief" becomes a girl in a bed.

It ends up by Santa Claus going off with "Just Divorced" on the back. That is the kind of complete and utter rot we are giving to

children under the guise of something that originally started out supposedly to be funny.

Incidentally, they call it Humor in a Varicose Vein.

The CHAIRMAN. Do you know how many of these particular publications go out every month?

Mr. FITZPATRICK. Of this particular one; no, sir, I do not. I don't have the staff to do the kind of detailed investigation that you are doing so expertly with this type of thing. I know that your counsel is doing a fine job of tracing individual publications.

The CHAIRMAN. I might ask our counsel for the record, do we have an account of the number of issues of Panic?

Mr. BEASER. We have minimum and maximum publication figures.

Mr. FITZPATRICK. There are approximately 90 million comic books a month being published and distributed. You have those figures. But how many of this particular issue, I can't tell you.

As I said before, and I pointed out in my statement, Dr. Wertham has told you how we start them on this, and we condition them, and bring them along.

Just briefly I would like to mention this because I think it ties in the direct picture. After we have conditioned them on this type of thing, on sex and horror, which he himself says is the sole purpose of this publication, we then give them this type of thing: *She Lived in Sin*, *Shameful Love*, *Confessions of a Pick-up Girl*, *Shameless Play Girl*, and *Out of Bounds*.

I would like to submit these to your committee, sir.

The CHAIRMAN. They will be made a part of the subcommittee's files. Let that be exhibit No. 26.

(The material referred to was marked "Exhibit No. 26," and received for the record.)

Mr. FITZPATRICK. Now, what the publishers of this type of book are presenting to our youth, as acceptable in the field of morals, can be determined from a description of sin, taken from one such publication and included in our committee's report at page 75. It is stated in one such publication that there is no such thing as sin and that "Sin is a label that has been attached to the most daring and enjoyable experiences which those who decry it are either too old or too unattractive to enjoy."

That, sir, is their version of sin.

Now, may I say also that we have tried in our report to show very quickly the type of complete and utter filth that can now be found in pocket books, available for children or anyone else, on the newsstands of this State.

On page 77 of our report, sir, you will find that for 35 cents, anyone, child or otherwise—I say child, of course, I am talking of the juvenile—anyone 14, 15, 16 years old, who might be interested—for 35 cents in 1 book, can read about Lesbianism, call girls, marihuana, switch-blade knives, immorality, prostitution, murder, narcotics, and male prostitution.

This pocket-book material is not fit for adults, and certainly should not be permitted to fall into the hands of juveniles, or to be displayed where youngsters can view the covers, so aptly described by Margaret Culkin Banning as "pictorial prostitution."

Turning to the field of congressional action, I feel that one of the greatest services this committee can render is to seek by publicity to

alert the clergy, the press, the officials, the parents, and the educators of this country to a full realization of the type of material that is being sold to young people throughout this land.

I am delighted to see that this hearing is being covered so well by the press and by the newsreel and television cameras. I think that is one of the greatest objectives that we have to obtain, both you, sir, on the Federal level, and we, on the State level, in our respective States. Since the publication of this report, I have received innumerable letters from people who are horrified, who are scandalized at the type of thing that is on the stands, and who had no idea that comic books consisted of anything other than Bugs Bunny and Mickey Mouse. They just have not paid any attention to it.

The CHAIRMAN. Let the Chair assure you that I am one of those who had no idea of this sort of thing.

Mr. FITZPATRICK. I think that is a very common situation and I think, therefore, that one of the best things we can do is to present to the American public in full view the exact type of thing that is going on.

As you yourself said in your opening remarks, there are relatively few people who are responsible for this type of thing. Most of the publishers in this country are decent, honest people. A great percentage of the comic-book industry, as we pointed out in our report, is engaged in publishing decent comics that have a proper place for children.

But there is a small percentage; they are willful, and they will disregard anything and trample on anything to get what they want.

Now, to show you the type of interest that is being created, since the publication of our report, we have had inquiries from your own State of New Jersey—which, incidentally, is doing a splendid job and has recently introduced, and I am sure you are familiar with, Mr. Thompson's bill in the New Jersey State Legislature—Minnesota, Massachusetts, Texas, California, and many other States who are requesting copies of the report. They are talking about introducing similar legislation.

Community programs to curb sales are springing up in New York State. People are waking up at last, but there is still much to be done in the field of education.

Now, in the field of legislation, I feel that it is high time for our people, the Congress and the courts, to awaken to a realization that the framers of our Constitution could not have intended the great guaranties of the freedom of the press as license for irresponsible publishers to contaminate the minds and morals of children for profit.

We need much more effective legislation both on the State and Federal level, and I believe that once we have overcome that hurdle, we will be able to get it, and I think that the educational process is now setting in.

I think that the courts will eventually come back to the principle that was expressed by Justice Cohn in the appellate division in the Winters case. At that time he said this:

Pursuant to the police power and without abridging freedom of the press, the State may enact reasonable regulations in order to protect the general welfare, public safety, and order and public morals. While the right to publish is sanctioned and secured, the abuse of that right is excepted from the protection of the Constitution, and authority to provide for and punish such abuse is left to the legislature.

The CHAIRMAN. It is really a privilege and not a right.

Mr. FITZPATRICK. That is right, sir, but I think we have to do a little educational work in that regard.

The punishment of those who publish articles which tend to corrupt morals, induce crime, and destroy organized society, is essential to the security of freedom and the stability of the state.

I believe that should be the basic philosophy behind our legislation.

The CHAIRMAN. I do not want to interrupt your chain of thought, but you are commenting on the need for Federal legislation. I know that your mind—I was a member of my own legislature in New Jersey—is running mostly to State legislation.

Mr. FITZPATRICK. That is right.

The CHAIRMAN. Have you thought out or spelled out in your own thinking any specific form of legislation that we of the Congress should adopt?

Mr. FITZPATRICK. Yes, sir; I have it in my statement. I am coming to it right now.

May I also say, too, that, of course, my experience is limited to eight years in the state legislature, and that I realize there are many difficulties involved in Congressional legislation, which do not face us, and that you have a great diversity of opinion from various parts of the country.

The CHAIRMAN. Caused by State lines.

Mr. FITZPATRICK. Yes, sir. It makes it much more difficult, but we have just introduced and successfully passed this bill on tie-in sales. We have introduced also, and I have a copy in the back, in the appendix of our report, a bill that I believe your New Jersey bill is patterned on, Senator, if I may be so bold as to say so.

I have had conversations with Mr. Kaplon, who is doing such a fine job, and your people in New Jersey. We have introduced in the State, and have not yet been able to pass—I hope with this conditioning process we are going to get to it—a bill which makes a distinction between selling literature to the general public and selling literature to juveniles, and to children.

Now, personally, I feel very strongly about that. I think that we forbid now the sale of liquor to children; we forbid the sale of tobacco to children, on the general ground that it affects their health and morals.

To me it is just as important to forbid the sale to children of anything which breaks down standards of morality, which stimulates sexual desire, and which contributes to juvenile delinquency.

I would like to see in the State of New York and on the Federal level, specific legislation banning the sale of horror comic books.

As far as I am concerned, I would like to see all of the horror comic books deleted from sales to children. I am not sure whether we can do that on a constitutional basis, or not, but certainly we have protections in our Constitution against that which is repulsive, if not indecent, and certainly this kind of material is repulsive.

I think we should seek both on the Federal and State level, legislation dealing specifically with the sale to minors.

Then I feel this: We have heard a great deal about tie-in sales. You are going to find, I believe, sir, if I may be so bold as to say so, that it is a very difficult thing to tie people down on the tie-in sales.

That is probably not the proper way to put it, but that is the net result of it.

We have had a great deal of testimony. We have submitted copies of our written testimony to your counsel on previous dates, when we have had the same type of hearings in New York, the same type that you are now having. We have found as a result of our personal investigation that, without any question at all, there are newsdealers throughout this State who have been led to believe, that if they do not take these bulk packages that are distributed to them and do not make an effort to sell *Panic* and *Sun Bathing*, and that type of thing, along with the legitimate type of publication, they will not obtain the legitimate publications, or that they will lose their franchise.

I have a man in my own community who has repeatedly said to any groups coming in attempting to clean up this material, "I would love to cooperate with you, but it is impossible. I can't do it because I would lose my franchise. If I lose my franchise, I can't take care of my wife and children", and so on.

Actually, we have found that two conditions exist. We are firmly convinced from people who have testified before us; one, that there are instances in the State of New York where the tie-in sale has been enforced, where the man has actually been told that he shall either accept A, B, and C, or he shall no longer get D, E, and F, the legitimate publications.

We have also found innumerable instances where in our opinion the dealer, when asked to cooperate by the community, has used as a cloak for continuing to sell for his own profit this type of trash, the cloak that he would lose his franchise, or that he would not be able to get the decent publications in the event he did cooperate with our people.

We have accomplished two things by our bill in New York State, I hope. One, we have banned the tie-in sale. We have made it illegal in the State of New York. There is a copy of my bill in the appendix. It is page 39:

No person, company, partnership, or corporation, shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical or publication, require that the purchaser or consignee receive for resale any other book or publication, reasonably believed by the purchaser, or consignee, to be obscene, lewd, lascivious.

Mr. BEASER. Where there is a tie-in sale, is that imposed by the local wholesaler? Does it go higher than that, to the distributor, to the publisher?

Mr. FITZPATRICK. We have instances of both. We have been told by the wholesaler that he must take and distribute to the retailer or he will not receive from either the nationwide distributor or the publisher—

The CHAIRMAN. You have sworn testimony on this point, do you?

Mr. FITZPATRICK. Senator, those hearings were 2 years ago. I believe that we have. You certainly have similar testimony in the Gathings report, and last week, or whenever you were here before, a man here I believe who represented the newsdealers, gave you sworn testimony along those lines.

May I say this to you, sir: that we have all kinds of legal interpretations of this law and initially a large number of legal objections.

What it amounts to simply and solely, I believe, is an exercise of a man's constitutional right to say, "I am in business; I am selling legitimate publications. I shall not be forced by you to take something which I personally think is obscene, indecent, or lewd, as a condition to my selling something else."

In any event, I should like to see that type of legislation on a Federal level.

Furthermore, I feel that we need to strengthen the postal regulations. There was a great deal about that in the Gathings report. My understanding is that under existing law the Postmaster General, if he wants to proceed, has to proceed by hearings and sometimes these hearings take as long as 6 months.

In the meantime, the fly-by-night operator is gone, or he is publishing something else.

I respectfully suggest that consideration be given to a law empowering the Postmaster General to apply to the courts for an injunction on not more than 5-day notice to the individual, company, or corporation involved, in distributing this type of literature.

You will find that we are attempting to use the injunction powers of the State in a bill which becomes effective here on the first of July, and we hope that it is going to be most effective in helping us to rid the stands of this kind of material.

Talking about postal regulations, and as a matter of regulation, I think you will be interested to know that I was recently flabbergasted to find that the most salacious type of material, advertisements for books that can be purchased, such things as "My Sister and I," "Double Exposure," "Homosexual Life"—everything of the worst type, has within recent months been mailed through the mails to, of all people; youngsters in preparatory school, unsolicited mailings to a list of youngsters in preparatory school, asking them if they don't want to buy this type of material.

I am pleased to be able to report to your committee, and I believe your counsel is aware of it because he has been after this kind of thing too, that within recent weeks the police department of the city of New York has raided the place from which this material came and has taken away, as I understand it, truckloads of material.

So, fortunately, that has been accomplished.

This is another practice which is going on through the mails. They are mailing to individuals with confidential return blanks with numbers so that you, sir, or I, if we wish to investigate this, could not take the blank and mail it and receive the material. I know, because I tried. The letters are all returned unanswered. This type of material, advertisements for books which I believe are completely sacrilegious for one thing—I won't even read the titles in this record. It is interesting to say that on the face of this they start out, "Banned by bigots who can't stand the meaning of the word 'sex'."

The CHAIRMAN. Maybe the titles also should go in the record. May I see them?

Mr. FITZPATRICK. Yes, sir. Some of them I have collected are particularly obnoxious and I believe they are sacrilegious.

The CHAIRMAN. These titles also will go into the record, but they will not be read in the proceedings.

Mr. FITZPATRICK. Thank you, Senator.

May I say that this publication on its face says, "Banned by bigots who can't stand the meaning of the word 'sex', but available to you if you hurry."

It goes on. I don't want to take your time to read it, but it says the bluenoses—and I am sure you are not one as you said in the beginning, and I hope I am not one, either, nor can I be considered a prude—we "must face the fact that certain well-intentioned, but narrow-minded reform groups are threatening to choke off the source of this supply," but if you hurry now you can get it before they are effective.

The CHAIRMAN. The Chair will instruct the recorder to include these advertisements also at this point. Let that be exhibit No. 27.

(The material referred to was marked "Exhibit No. 27," and is on file with the subcommittee.)

Mr. FITZPATRICK. Finally, it is respectfully submitted that consideration be given to providing limited, and closely scrutinized, immunity from antitrust regulation for any group or groups of publishers or distributors, working together for the sole purpose of enforcing industry supervision over the sale of obscene and objectionable literature.

Now, you mentioned and you are right, that the best way of cleaning up this mess is to have the industry clean up itself. We tried that. We had these publishers in; we took their testimony; we issued a report. We said very plainly, "Gentlemen, we will give you an entire year to clean your own house. We feel the best regulation is self-regulation. You know this is bad. You clean it up and you will have no trouble from our legislative committee."

We came back in a year, Senator. We called the same people before us. They had done nothing. They had attempted to do nothing.

I am speaking now not of the better segment of the industry, but of the people who had so flagrantly published this type of material and who continued to do so.

After they said to us they had done nothing, we then proceeded to attempt to enact legislation, and we have finally been successful in passing some of it this past year.

Mr. BEASER. Actually, from your experience, do the Federal anti-trust laws prevent them from getting together? They have never tried that; have they?

Mr. FITZPATRICK. I want to get to that. I have talked to some of the more responsible people in the publishing industry, and I know you have. I have found this: in the first instances there have been numerous attempts by segments of the industry to get the renegades to come in and play ball and they won't do it. There have been organizations formed, and you get the people who are not publishing the bad materials anyhow. The other people stay outside.

Now, what is happening is this, and this is what I am told by representatives of the industry: they are reluctant to attempt any kind of coercion within the industry, because they feel that they will be subjecting themselves to prosecution under the antitrust laws.

I have direct evidence of that from this morning's paper. It is very interesting. In the first place, there was a piece in the Herald Tribune this morning about a newspaper's rejection of an ad in Poughkeepsie. The judge held that they could reject the ad. He says the newspaper must not be engaged in fraudulent conspiracy of furthering unlawful monopoly.

I believe the same philosophy is the thing that is acting as a deterrent to groups who are anxious to clean their own house. They have found they just simply can't go to the fellow publishers and ask, "Won't you play ball?" And whatever means they can use in the industry to force them to play ball they are afraid to utilize because of fear of prosecution under the antitrust laws.

I feel there is real merit in their contention that we should give serious consideration to opening the door for them to proceed within their own industry, because this type of self-regulation unquestionably in our opinion is the best of all regulations, but we have found it has not worked up to date.

I notice again with a great deal of pleasure that William Richter, who appeared and testified before you on this tie-in sale problem, is acting as counsel now for a newsdealers association, which is forming a cooperative to attempt to ban comics. This piece was in the New York Times this morning.

This, incidentally, is following the excellent work that is being done in New York by Mr. Kaplon of your own State, sir, along the same general lines. I hope this is the kind of thing of which we will see more and more.

The CHAIRMAN. I am glad you referred to that announcement by Mr. Richter, because I have before me an article which indicates their effort to clean house within the industry, on the same subject.

Mr. FITZPATRICK. That is wonderful. I hope they can do it. But I think we have to realize that efforts in the past have not met with great success and it is only because of that—and I believe this is very, very important—it is only because of that that the State of New York has had to step in, and I think you are going to have to step in on a Federal level.

Just one more thing that might be of interest to you, as an indirect result of the tie-in sale, the kind of thing that can happen with decent distributors. I have in my hand a letter—it happens to be from a distributor in my home town, but it is indicative, I believe, of what can be done—in which he states to the retailers that the tie-in sales bill of the State of New York has been passed, and that it will be effective on the 1st of July, and while it has not been their practice to purposely disseminate indecent material of any kind, they want it clearly known to their retailers that any material that they have reason personally to believe is indecent or obscene can be returned to them directly without any obligation. I believe that is a step in the right direction.

The CHAIRMAN. It most certainly is a step in the right direction.

Assemblyman, you talked about the industry putting its own house in order. Have you ever made a study of the number of printers engaged in this particular phase of these publications?

Mr. FITZPATRICK. Yes; we went into that quite thoroughly in our printed report in 1951. We found that time that 75 to 80 percent of all comic books sold in the United States were put out by 12 leading companies. The other percentage was put out by the fly-by-nights, which are the ones we are having great trouble in hitting.

Now, no one can sit down today, I believe, and tell you that there are X number of them, because that is the very nature of their business.

The CHAIRMAN. I am not talking about the publishers, but the printers.

Mr. FITZPATRICK. No, sir; I do not know the answer to that. You mean people who actually print the publications?

The CHAIRMAN. That is right. Would it not be an interesting thing to have that figure, because they must be, I suspect that they would be, members of the printers' union, whatever the official name is, and maybe through the unions you could make an appeal on this subject and clean house that way?

Mr. FITZPATRICK. Well, I am afraid, Senator, that we are going to have to have at least the stick in hand.

In other words, while voluntary control is the answer if it will honestly be placed in operation by the industry, I do not think we are going to get it because people who publish this kind of thing, in my humble opinion, have no morals, and if they have no morals in distributing filth and breaking down the whole moral attitude of our youth, I don't think they care whether or not they have any standing.

I am speaking now, remember, about the few, reserving as you did in your opening statement, for the better segment of the industry all of the praise that they deserve, all of the praise they deserve in attempting to clean their own house.

If they could get these other fellows in, wonderful; let us do it that way, but I think we are going to have to have a big stick to do it.

We went through some of the big comic-book printing plants and we found this with respect to that, at that particular time. They print great quantities of these and the prints are submitted months in advance, at least that is what we were told at that time. They simply do not have an opportunity within the plant to control the content of the material as it comes through.

We went to them at one time. We thought at one time—in fact, the first bill I introduced in 1949 set up a separate bureau in the educational department, where all of these things would have to be submitted in advance.

Well, that censorship is not desirable; we have come to a realization ourselves that in our opinion that is not the best way to approach the problem.

I do think that the tie-in sales bill, the giving to the Postmaster General some additional authority to go in and get these people before they can get away, some thought to the antitrust—elimination of the antitrust restriction in the specific instance——

The CHAIRMAN. I hope the staff are underscoring these remarks because they do relate to our Federal problem——

Mr. FITZPATRICK. I think those are the kinds of things that can be helpful. I think I have undoubtedly taken much time of your committee. I want you to know how appreciative we are of the opportunity to appear before you, how deeply interested we are, and I believe many more and responsible segments of the people of the State of New York are interested in seeing something done about this kind of thing which we think, if it is permitted to go unhampered and unrestricted, will honestly drag down the whole moral tone, not only of our youth, but of our entire country.

I hope, sir, that you will be highly successful. If there is any way in which we in our small way can contribute to the work of your committee, or if we can furnish you anything further from the material we have at our disposal, we will be delighted to do so.

The CHAIRMAN. Assemblyman, I speak for the whole subcommittee. I am sorry my distinguished colleagues are not here with me this morning because you have made a great contribution to this committee's effort; I think one of the finest contributions in all of our labors.

I know that my colleagues would have been inspired as I am by your testimony here this morning; your forthright, courageous, and fearless approach to this problem.

Your report, of course, will be carefully studied. You have gone into this field; you are ahead of us in this particular field in the area in which we are operating.

I just want to thank you from the bottom of a full and grateful heart for your appearance here this morning.

Mr. FITZPATRICK. Thank you, sir, it was a real pleasure.

The CHAIRMAN. Counsel will call the next witness.

Mr. BEASER. Mr. Benjamin Freedman.

The CHAIRMAN. Do you solemnly swear that the evidence you are about to give before this subcommittee of the Judiciary Committee of the United States will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FREEDMAN. I do.

TESTIMONY OF BENJAMIN FREEDMAN, CHAIRMAN OF THE BOARD, NEWSDEALERS ASSOCIATION OF GREATER NEW YORK AND AMERICA

The CHAIRMAN. For the record, will you state your full name and address and association?

Mr. FREEDMAN. Benjamin Freedman, 518 Vermont Street, Brooklyn. I am chairman of the board of the Newsdealers Association of Greater New York and America.

The CHAIRMAN. Counsel, you may proceed to examine the witness.

Mr. BEASER. Mr. Freedman, you are also a newsdealer here in New York City?

Mr. FREEDMAN. Yes, sir.

Mr. BEASER. Where is your place of business?

Mr. FREEDMAN. Located on the northwest corner of Broadway and 42d Street.

Mr. BEASER. Do you carry on your newsstand crime and horror comics?

Mr. FREEDMAN. I did at one time.

Mr. BEASER. You no longer carry them?

Mr. FREEDMAN. No, sir.

Mr. BEASER. Will you tell us what you know about the problems you run into in carrying them, or not carrying crime and horror comics?

Mr. FREEDMAN. Originally, we carried the regular crime—not crime, I mean the comic books, but when these crime and horror comic books came out they were forced upon us by the distributor.

Mr. BEASER. In what way were they forced?

Mr. FREEDMAN. Tie-in sales. I gave you an illustration. Without giving any notice or placing any orders we get a bundle. Most of the time we get a bundle from the deliveryman and it is thrown at us, probably sometime when we are busy.

The first chance we get we open it up and we put it out on the stand. Then until our attention is called we don't even know we have those books sometimes.

The average news dealer is always so busy getting his latest editions and getting through with his work, that half the time he doesn't know what he gets until he starts checking up to pay the bill. Then he realizes what he gets.

Now, when we protest about some of these books we are told that "Unless you buy these books, you cannot get the other leading books." Many times we have been cut off and threatened and harrassed.

The CHAIRMAN. When you refer, Mr. Freedman, to "these books," you are talking about books such as you see before you on exhibit here?

Mr. FREEDMAN. Yes, sir; some of these books, sex books and books that are not fit to be on public newsstands. We have no way of fighting this.

Mr. BEASER. You say you no longer carry these, though.

Mr. FREEDMAN. I for one don't. Some of them do. But most of them since that last investigation have done away with it, particularly those members of our association.

The CHAIRMAN. By the last investigation, you mean the last appearance of this committee in the city of New York?

Mr. FREEDMAN. Yes, sir; they are being handled now as we call it "underground;" the secondhand bookstores get them and these fly-by-night dealers and peddlers. They are sold in automobiles, some of them near high schools and some went out of town. Most of them are secondhand bookstores that are getting most of that stuff.

Mr. BEASER. You say as a result of the hearings we have held here many of the dealers in New York City have notified their wholesalers they will no longer carry those?

Mr. FREEDMAN. That is right.

Mr. BEASER. Have there been any retributions?

Mr. FREEDMAN. There are some threats. We can't tell you exactly how many stopped carrying them, but a small percentage I will say.

Mr. BEASER. Have stopped completely?

Mr. FREEDMAN. Yes.

Mr. BEASER. Have they been cut off from any of the other kinds of magazines?

Mr. FREEDMAN. Some of them have been cut off and some of them have been hurt some other way.

For instance, if a bundle is to come in, let us say, Thursday at 6 o'clock in the morning, a certain distributor has a package. Those that have returned their horror comic books, instead of getting theirs at 6, they get theirs at 11 o'clock. He will make that the last stop. Everybody else has his books sold.

Mr. BEASER. When you say bundle, what would appear on a typical bundle?

Mr. FREEDMAN. It is just tied up with a lot of wire. It takes a little time to open up. You just can't open it and check. It is wire all around. When you open it up, there is your bundle; you don't know what is there until the driver is gone.

Mr. BEASER. That is not all comic books?

Mr. FREEDMAN. No; it is all tied in together.

The CHAIRMAN. How big is this bundle?

Mr. FREEDMAN. Some of them weigh 50 pounds; some 40, some 60, some 30. Sometimes you get 3 bundles, sometimes you get 2, sometimes 1.

There is no such thing as uniform bundles. It all depends on what they feel like sending you.

Mr. BEASER. It will be a mixture of good comics?

Mr. FREEDMAN. Good comics, other books, magazines, and these others.

Mr. BEASER. And the popular magazines?

Mr. FREEDMAN. That is right.

Mr. BEASER. Have any of the dealers found that the deliveries of the good magazines have been cut down rather than cut off?

Mr. FREEDMAN. Some of them have been cut down and some have been cut off.

Mr. BEASER. They are not getting as many?

Mr. FREEDMAN. Not as many as before.

Mr. BEASER. Now, is there any handling charge you pay for getting the crime and horror comics, or for returning crime and horror comics, or other comics?

Mr. FREEDMAN. There is a service charge on the delivery. Whether it is particularly for the crime comic books or otherwise, we don't know, but there is a service charge for the entire package.

Mr. BEASER. Each time you receive a package——

Mr. FREEDMAN. There is a service charge, sometimes a dollar, sometimes 50 cents. We pay it whether we like it or not. It is paid to the distributor on the bill.

Mr. BEASER. If you were to return 100 crime and horror comics, or comics, is there a charge for returning them?

Mr. FREEDMAN. No, sir; there is no charge for returning them, but you probably won't get your credit for maybe 6 weeks or 2 months later.

Mr. BEASER. Are there any instances in which the credit has been delayed deliberately because of the number of returns made?

Mr. FREEDMAN. Yes, sir; there has, many of them.

Mr. BEASER. In other words, if you return too many they will delay on the credit?

Mr. FREEDMAN. That is right.

Mr. BEASER. How often do you have to pay for shipments you receive?

Mr. FREEDMAN. Mostly weekly bills.

Mr. BEASER. On that bill, they give you credit for what you returned the week before?

Mr. FREEDMAN. You are supposed to, but you don't get it all the time.

Suppose they hold it up a month or 6 weeks. Sometimes they tell you they can't find the bundle. You just keep calling until you get tired of it sometimes.

Mr. BEASER. Have you personally had any retribution because of your not carrying crime and horror comics?

Mr. FREEDMAN. No, sir.

Mr. BEASER. You are still getting the same number of other magazines that you want?

Mr. FREEDMAN. That is right, sir. I am one of the few they know is active in the association. I am one of the few that will just fight them if they do that.

Mr. BEASER. The returns are made directly to the wholesaler?

Mr. FREEDMAN. The driver picks the bundle up when he delivers sometimes, and sometimes the day before, and sometimes we deliver it ourselves.

Mr. BEASER. They are returned by the wholesaler to the publisher; is that right?

Mr. FREEDMAN. I assume that is what they do—no, I don't think so—I think that these books, if you are talking about the comic books, the crime ones, they are not returned to the publisher or the wholesaler, but they go to other places, sometimes out of town and sometimes to the second-hand bookstores. That is where you will find most of your filthy books now.

Mr. BEASER. You mean they try to keep selling them in as many places as possible?

Mr. FREEDMAN. They keep them on the market as long as they can.

Mr. BEASER. So what you get in the bundle may not necessarily be the most recent publications. They may have come from other news-dealers?

Mr. FREEDMAN. That is right; they may have come from other news-dealers or out of town someplace.

Mr. BEASER. Actually, Mr. Freedman, would you be able, if the system were a little different, to select these magazines? How many magazines do you carry?

Mr. FREEDMAN. Sometimes we carry 800, a thousand, 600.

Mr. BEASER. Weeklies, monthlies, bimonthlies?

Mr. FREEDMAN. Yes. It depends on the time of the year when you are doing business.

Mr. BEASER. Would you have an opportunity to sit down each week and go through a checklist of 800 magazines and decide how many you need and how many you do not need?

Mr. FREEDMAN. We do that while standing at the particular stand.

Mr. BEASER. You do it for any of the publications?

Mr. FREEDMAN. We see a book doesn't move any too fast. We just make a note of it and say we will cut down on that one, while we are at the stand.

Mr. BEASER. You tell the driver or distributor?

Mr. FREEDMAN. We either call up the office or we tell the driver we don't want these. If they insist on sending them to you we must put them under the counter and keep them there to return them.

Mr. BEASER. Then you have to wait for credit?

Mr. FREEDMAN. That is right.

Mr. BEASER. The incentive would be to sell?

Mr. FREEDMAN. We try to push them if we can, to exist.

Mr. BEASER. Otherwise you have a lot of money tied up?

Mr. FREEDMAN. That is right.

Mr. BEASER. Can you give us the names of the wholesalers from whom you have refused to accept crime and horror comics?

Mr. FREEDMAN. Our secretary, Mr. J. Kay, has a list of all the names of the distributors. We will be glad to furnish them to you off the record. We just don't want to get tangled. There may be some legal angle there for a comeback.

If you want the names I think Mr. Kay will give them to you.

The CHAIRMAN. The Chair will order that that list be made a part of the subcommittee's files.

Mr. FREEDMAN. All right, sir, and Mr. Kay will furnish it here.

(The information referred to was received at a later date, marked "Exhibit No. 28," and is on file with the subcommittee.)

Mr. BEASER. There is still fear of retribution?

Mr. FREEDMAN. We are continuously being threatened.

Mr. BEASER. With what?

Mr. FREEDMAN. Being cut off, no telling what is going to happen.

A couple of years ago our attorney, Mr. Richter, advised us that if we don't want to carry the Daily Worker—and we refused to handle it and most of our members don't, we had threats for lawsuits——

The CHAIRMAN. This subcommittee can understand that. We are occasionally threatened, ourselves.

Mr. FREEDMAN. We have threats and we are people, most of us out at the newsstand, most of us are disabled veterans, sick people, and we don't look for trouble and we are tickled to death to be left alone. We don't want to put up with any threats. We are a little careful. There are a few of us that are not afraid, but you can't fight all the people all the time.

Mr. BEASER. Have there been threats of physical violence?

Mr. FREEDMAN. There is a way of hurting you. If a distributor cuts off a certain item it means he has to lay some help off. I will give you one little angle.

Let us say he loses a certain amount of magazines that he is not going to deliver. He lays off two men. He tells these two men "Because these newsdealers refuse to handle these books, I have to lay you people off."

You figure out the rest. They have a union; you think what is going to happen to us.

The CHAIRMAN. You do not have to worry if you are right.

Mr. FREEDMAN. I am one of these that is not worried. I would rather die than be afraid, but not all of them feel that way.

Mr. BEASER. You said some time ago there was a cutting off by the newsdealers of receipts of the Daily Worker. Was there any retribution that you know of?

Mr. FREEDMAN. We were threatened, our counsel was threatened, but most of us just don't carry it and people just don't ask for it. Some of them do, but the majority don't.

Mr. BEASER. But the distributor did not cut down on magazines, or don't you know?

Mr. FREEDMAN. Well, the distributor that handles the Daily Worker is a newspaper distributor. They don't handle magazines.

Mr. BEASER. Was there cutting off of the newspapers?

Mr. FREEDMAN. No, there was just a little talk and threats, but it went over pretty good.

Mr. BEASER. Was there any delay in deliveries?

Mr. FREEDMAN. No, not in that respect.

Mr. BEASER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Freedman, how many members do you have in your association?

Mr. FREEDMAN. We have about a thousand members.

The CHAIRMAN. Do you have meetings regularly?

Mr. FREEDMAN. Yes, sir.

The CHAIRMAN. What are the stated periods of your meetings?

Mr. FREEDMAN. Sometimes once a month or if it is a special meeting we call it within the month.

The CHAIRMAN. According to the needs?

Mr. FREEDMAN. That is right. Our board meets every week. We meet at our attorney's office, or at our own office.

The CHAIRMAN. I presume you discuss at these meetings this problem that brings this committee here this morning?

Mr. FREEDMAN. Yes, sir; we did, and we instructed everyone of our board members—and every board member comes from a key spot in the five boroughs, and acts as sort of chairman of his vicinity—to tell all the dealers there to do away with the horror books.

We have had some very good reports, but we are in trouble with the tie-ins, we are in fear. That is one of the reasons we started at our counsel's suggestion to organize this distributing company which we are about ready to start now. I think that may be the answer.

The CHAIRMAN. You see your association or its members taking new heart as a result of this inquiry?

Mr. FREEDMAN. Yes, sir; they feel very good about it. Not only the members, but we get customers that come over to the stand and remark about the wonderful job you people have been doing with their children; that they don't ask for those books. They are a little scared, but it is still going on.

The CHAIRMAN. Do you find that the parents have known about these publications?

Mr. FREEDMAN. Yes; some of the parents would go out and buy for the children. They are just as bad as the children, some of them, just bring them right over and ask for them. They both read them.

I would think, that this investigating committee has done a wonderful job with us dealers, too. Some of the distributors are a little bit careful how to handle us.

Of course, this may be a temporary condition. They may feel during the investigation while the lights are on, why, they will just take it easy. As soon as it is over, they will start all over again.

The CHAIRMAN. Even members of the bar that are sworn to uphold the law need investigation once in a while.

Mr. FREEDMAN. I know it. I know one thing, Mr. Chairman, that our association has always been ready to cooperate with any law agency or any department and help as much as we could. We have the loyalty oath in our association. If we find anything wrong with any member we are the first ones to go to the front. We are the first ones to call to the attention of our license commissioner, who has done a wonderful job, the violating of any of the rules or the laws of the association.

We welcome this not only because of the comics, but because of the tie-ins and the abuse that we dealers have been getting for the last 50 years.

Mr. Kay, I believe, has been a dealer for 30 years. I have been one for 35 years. Some of them for 35 and 40. We have had nothing but abuse and there is nothing we can do about it.

But in the last few months it took a little bit of a change with the help of your committee, and our counsel are always on top of them.

The CHAIRMAN. Your Joint Legislative Committee of New York has done a very fine job.

Mr. FREEDMAN. They have done a great job, but they are not living up to the laws that have been passed; nobody is enforcing them.

The CHAIRMAN. You mean locally?

Mr. FREEDMAN. That is right. This tie-in law, they should have a certain department to follow it up and go out and check and bring these people to court and see that they do the right thing.

Of course, I think this law has only been passed recently, so we will be patient and give them a little time to organize.

The CHAIRMAN. There has to be a period of education after every law is passed.

Mr. FREEDMAN. That is right. There should be some law with teeth in it about these books, and everything else pertaining to these juvenile delinquencies, and get after the printers. They are the ones. If they will be told they can't print, they wouldn't.

It is like counterfeiters. The United States Counterfeiting Department is always after the ones that make the plates and do the printing. That is where you will hit home here. Get after the ones that print it, and they will get after the ones that want them to print it.

Mr. BEASER. You don't think it is the publishers?

Mr. FREEDMAN. Well, the publisher has something to do with it. They are the ones that are ordering it, but if the printer wouldn't want to print it and the publisher won't be able to get one, they won't print it.

The CHAIRMAN. If the publisher couldn't get printers it would be tough.

Mr. FREEDMAN. Yes.

The CHAIRMAN. That is the reason I asked Assemblyman Fitzpatrick the question as to whether the unions could not help in this field.

Mr. FREEDMAN. They could. I believe if you went to the head of the legitimate unions, and I think the printing union is one of our legitimate unions, and explained the situation to them, I think they would cooperate and work with you.

The CHAIRMAN. I understand your local here is called the New York Typographical Union; is that correct?

Mr. FREEDMAN. That is right, sir. I think they would cooperate.

The CHAIRMAN. I think this committee will probably solicit their aid.

Mr. FREEDMAN. I think you will be doing a good thing. They will be a great help to you.

The CHAIRMAN. Mr. Freedman, we are grateful for your presence here this morning. I commend you for your courage.

Mr. FREEDMAN. Thank you very much.

The CHAIRMAN. Counsel will call the next witness.

Mr. BEASER. Mr. Harold Chamberlain.

The CHAIRMAN. You do not mind being sworn?

Mr. CHAMBERLAIN. Not at all.

The CHAIRMAN. Do you solemnly swear that the evidence you are about to give before this subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHAMBERLAIN. I do.

The CHAIRMAN. Counsel, you may proceed.

Mr. BEASER. Mr. Chamberlain, will you state for the record your full name, your home address, and business association?

Mr. CHAMBERLAIN. Harold Chamberlain, 16 Park View Place, Baldwin, Long Island. Circulation director of the Independent News Co., 480 Lexington Avenue, New York City.

**TESTIMONY OF HAROLD CHAMBERLAIN, CIRCULATION DIRECTOR,
INDEPENDENT NEWS CO., NEW YORK, N. Y.**

Mr. BEASER. Mr. Chamberlain, since you sat down, an exhibit has been put up which is an attempt to show graphically the organizational setup of the National Comic Publications, Inc. It shows the Independent News Co., of which I gather you are the circulation director. Then it shows the Lafayette Color Press, which is wholly owned, and the All American Printing Co., Inc., which is owned pretty much by the same people.

It shows that the Independent News Co. distributes magazines published by the Signal Publishing Co., which issues crime or horror comics; the Signal Publishing Co., being owned by one of the same people who owns the National Comic Publications.

Mr. CHAMBERLAIN. May I interrupt, please?

That is not correct. I. Donenfeld is not the same as H. Donenfeld.

Mr. BEASER. There is no relationship?

Mr. CHAMBERLAIN. There is a relationship, but it is not the same.

Mr. BEASER. You distribute the Prize Comic group material?

Mr. CHAMBERLAIN. Yes.

Mr. BEASER. Then the National Comic Publications, Inc., is wholly owned by the National Comics Publications and those are publishers?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. And then the American Comic group and Beverly Publishing Co., which issue no crime or horror comics?

Mr. CHAMBERLAIN. Correct, sir.

Mr. BEASER. Now, could I ask you a few questions, please, about the National Comics Publishing Co.? They put out what I call the Superman comics?

Mr. CHAMBERLAIN. That is correct. That was the original identifying symbol, the Superman D. C. symbol, and it has now become known as the National Comics group.

Mr. BEASER. They also issue other kinds of magazines?

Mr. CHAMBERLAIN. No, sir; just comics.

Mr. BEASER. They also issue comics other than Superman?

Mr. CHAMBERLAIN. Yes.

Mr. BEASER. Are those representative samples of the names, Detective Comics, Gang Busters?

Mr. CHAMBERLAIN. That is not representative. They have their comics broken down into various groups. I might identify them for you.

Mr. BEASER. Would you, please?

Mr. CHAMBERLAIN. We have first the animated type comic, which is the Dodo the Frog, Flippity and Flop, Fox and Crow, Nutsie Squirrel, and so forth. They have 12 such comics in that group.

They have the adventure type, such as Superman, Action, Adventure Magazine, and Congo Bill. There are 11 titles in that group.

Then we have the detective type, and there are five, and of those are Mr. District Attorney, Big Town, Gangbusters—in the National Comics group there are three, Big Town, Gangbusters, and Mr. District Attorney.

Then they have the humor, which is Bob Hope and Martin and Lewis and Mutt and Jeff. They have teen-age comics such as Date With Judy, which is a strip similar to the television and radio program.

Here is Howie, Pinkie, Buzzie.

They have western comics such as Hopalong Cassidy.

They have war-type comics, such as All American Men of War, and then science and space fiction, Mystery, and Space and Strange Adventure, and one which you apparently classify in your presentation here as fantasy, is House of Mystery. That is the only one which you might categorize in that group.

Mr. BEASER. Mr. Chamberlain, all of the Superman national comic magazines carry a statement about the editorial advisory board, do they not?

Mr. CHAMBERLAIN. That is correct.

Mr. BEASER. Showing that Dr. Lauretta Bender, Josette Frank, Dr. W. W. D. Sones, Dr. S. Harcourt Peppard, are members of the advisory board of the Superman comics group.

Mr. CHAMBERLAIN. That is correct.

Mr. BEASER. They are still members?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. What actually are their duties insofar as content of your Superman comic group publication is concerned?

Mr. CHAMBERLAIN. In contrast to our former witness, Mr. Freedman, I am not an authority on all branches of this industry. I am at the national distributing end of it and I do not feel that I am qualified to tell you their exact duties. I do not know.

Mr. BEASER. They act as advisers to the corporation; is that it?

Mr. CHAMBERLAIN. I understand that they do, sir, but I cannot tell you their exact duties.

The CHAIRMAN. The Chair wishes to interrupt counsel at the moment.

I am happy to announce the arrival of my distinguished colleague, the Senator from Missouri, Mr. Hennings.

Senator HENNINGS. Thank you. I had to come all the way from Danville, Va., for this hearing and I am sorry to be late today.

The CHAIRMAN. All right, Counsel, you may proceed.

Mr. BEASER. Then you do not know the standards which are followed in deciding what content goes into the Superman group?

Mr. CHAMBERLAIN. There is a very definite and spelled-out code that is followed by our editors and our artists, in preparing the material for the Superman, D. C., or National Comic group.

Mr. BEASER. How is that code arrived at?

Mr. CHAMBERLAIN. It was arrived at, I believe, by this board of advisers.

Mr. BEASER. Does this board screen the comics?

Mr. CHAMBERLAIN. Again I am not qualified to answer that positively.

Mr. BEASER. You do not know whether they make suggestions from time to time?

Mr. CHAMBERLAIN. I believe they do, but again I am not positive.

Mr. BEASER. Now, the type of material I have noticed in the Superman group differs considerably from the type of material in the magazines distributed by the Independent News Co., despite the fact that the three owners are the same. Can you account for the incongruity of setting up an advisory board for one operation, and then distributing material such as is contained in Black Magic or Frankenstein, and so forth?

Mr. CHAMBERLAIN. We must admit that it is incongruous because of this: We are in the Independent News Co., a national distributing outfit. It is true that we are a subsidiary concern of National Comics, Inc.; we represent a number of publishers other than those that publish comic magazines.

We do have a set of standards by which we guide ourselves in the magazines that we distribute to the Independent News Co. We have, and many times in the past, refused to distribute certain magazines that have been presented to us by our present publishers. That has happened in the past 8 or 10 months, as a matter of fact.

Mr. BEASER. Which magazines were those, do you know?

Mr. CHAMBERLAIN. Not in the comic-book field. They are outside the comic-book field.

However, when this first investigation came to New York, of your committee, we sat down and discussed the entire matter, and it was decided at that time that we would eliminate through the news company any magazines that we felt bordered on the type that you were investigating. We do not feel that even these magazines are the worst in the field, but they do border on your weird, fantastic group that you are investigating, and we have eliminated them and they are off the market, or will be in the next 30 days. Titles such as "Frankenstein," "Out of the Night," "Forbidden Worlds," and one which you do not have there, "Clutching Hand," have been killed.

Mr. BEASER. Killed in what way?

Mr. CHAMBERLAIN. They no longer will be published or distributed on the newsstands.

Mr. BEASER. They have gone out of business; is that it?

Mr. CHAMBERLAIN. The publisher, for example, the American Comics group, has not gone out of business, but they are not going to publish Forbidden Worlds, or Out of the Night any more.

Mr. BEASER. They decided that they would not do it and you decided you would not distribute it?

Mr. CHAMBERLAIN. That is correct.

Mr. BEASER. What others have you decided not to distribute?

Mr. CHAMBERLAIN. In the case of Adventures Into the Unknown, the editorial content of that is to be changed to bring it entirely out of the realm of the present editorial content. The title will remain the same for the time being. They will gradually try to work the title off.

The same holds true for Black Magic, wherein the editorial content will be changed completely.

Those are the only changes that are being made in the magazines which you have presented before me.

Mr. BEASER. And any of the other magazines that you carry—crime and horror comics?

Mr. CHAMBERLAIN. We don't have any others. In fact, I think you have included a number here, sir, that do not fall in this category.

Mr. BEASER. Now, let me get the process straight. You sat down with Mr. Bleier and Mr. Epstein, of Prize Comics.

Mr. CHAMBERLAIN. Correct.

Mr. BEASER. And you told them you would no longer carry—this is since we held our hearing?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. You would no longer carry Black Magic?

Mr. CHAMBERLAIN. We would no longer carry Frankenstein, and he must change the editorial content of Black Magic, or we will not distribute it.

Mr. BEASER. Let me get a little bit into the publishing mechanism. Does the editor of Black Magic submit the copy of Black Magic for October to you before it is sent to the printer?

Mr. CHAMBERLAIN. No, he does not. He submits it to his publisher. His publisher, Bleier & Epstein, knows of the standards by which Independent News Co. operates.

There have been times that material got into a magazine, and we did not know of it until after the magazine had been printed and shipped, and it was then a case of just trying to mend bridges and reprimanding the editor and the artist to see that it would not occur again.

Mr. BEASER. Actually, the first time you see the magazine is after it is printed?

Mr. CHAMBERLAIN. That is right, sir.

Mr. BEASER. You see no draft copy before?

Mr. CHAMBERLAIN. No.

Mr. BEASER. Now, what kinds of standards then do you set up with respect to Mr. Bleier and Mr. Epstein?

Mr. CHAMBERLAIN. Mr. Bleier and Mr. Epstein have been publishers of comic magazines since 1940, I believe. Their first comic was Prize Comics, which is still being published.

We became their national distributors in 1941 or 1942. I am not sure of the exact date. They have been associated in those 12 or 13 years with our company, and have become familiar with the standard or the type of merchandise that we will distribute for them.

I would like to recall that they distributed "Frankenstein" about 1946. We got after them about the type of material in the magazine and they changed it to a humorous type of character, they made "Frankenstein" the goat of children's play.

When they did it, the magazine died, the magazine did not sell, and they discontinued it.

Mr. BEASER. That was when, sir?

Mr. CHAMBERLAIN. That was about 1948. It was revived again just a few years ago and now it has gone again.

Mr. BEASER. Now, let me ask you one question about Mr. Bleier and Mr. Epstein. They publish just comics; is that it?

Mr. CHAMBERLAIN. No, sir; they do publish a romance magazine. They publish a magazine called Man's Life.

Mr. BEASER. They also publish books?

Mr. CHAMBERLAIN. Not to my knowledge, not through our company.

Mr. BEASER. You would not distribute books?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. Let me go through the process which you have done with the American Comics group.

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. There is a relationship there, I gather, between Mr. Iger and one of the owners of the National Comics group?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. You went through the same process and sat down with Mr. Iger and Mr. Sanger and told them certain magazines would not be carried?

Mr. CHAMBERLAIN. That is correct.

Mr. BEASER. They agreed to kill those magazines?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. Are they going to substitute others for them?

Mr. CHAMBERLAIN. That very possibly will be done.

Mr. BEASER. Are they going to adopt the code that the Superman group has adopted?

Mr. CHAMBERLAIN. I can't speak for them on that point. Let me say this, that they publish right now magazines such as Ha Ha and Giggle Comics, which are the animated type of comic, along with some teen-age comics, of which "Cookie" is one.

They do hold a very high standard in that type of comic, but they have had these three comics in their line.

I might say this, that the reason for those comics was not because they are out to frighten children. They were asked by some distributors, Mr. Iger and Mr. Sanger, "Why don't you put out a comic like this? They are selling."

The reason that that type of material has sold, I believe, is the tremendous amount of publicity that has been given to the weird and horror comics.

The good class, clean comic, has been hurt by the publicity given to these comics.

In other words, there has not been enough complimentary remarks passed on good clean comic reading.

The CHAIRMAN. Mr. Chamberlain, do you mean to imply that the publicity came from this subcommittee?

Mr. CHAMBERLAIN. No, sir; I don't mean that at all, sir. It has come over the past 3 or 4 years.

The CHAIRMAN. I was sure that that was not your intention.

Senator HENNINGS. In further development of the point which the Senator has raised, from what sources did you expect this comment relating to the clean comics to come, or from what sources had you hoped it might come?

Mr. CHAMBERLAIN. Well, sir, as you probably know, there are many groups across the United States and Canada who have set themselves up as censors, as bodies to determine what is good or bad for the youngsters to read, and too often, is the case, that they say, this is bad, but they make no comment whatsoever as to what is good or where the publishers should be praised for their work in trying to put out good, decent literature.

Senator HENNINGS. The comment is negative, rather than positive as it relates to all of the field?

Mr. CHAMBERLAIN. That is correct, sir.

Senator HENNINGS. Thank you.

The CHAIRMAN. The good is taken for granted.

Mr. CHAMBERLAIN. Or condemned by insinuations that all comics are bad.

The CHAIRMAN. Counsel, you may proceed.

Mr. BEASER. But actually, Mr. Chamberlain, the crime and horror comics would not have been published had there not been a market?

Mr. CHAMBERLAIN. That is correct.

Mr. BEASER. In other words, you would not throw 300,000 copies of a magazine out just on the chance that some remarks would be made that would indicate——

Mr. CHAMBERLAIN. You are absolutely correct in that, sir.

Mr. BEASER. Also, is it not true that the type of material which has appeared in Adventures into the Unknown is quite different from that which you would permit in your House of Mystery?

Mr. CHAMBERLAIN. That is right, sir.

Mr. BEASER. Despite the fact that you distribute both?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. Despite the fact you have an advisory committee for one and not the other?

Mr. CHAMBERLAIN. Yes.

Mr. BEASER. Incidentally, will the same advisory committee work with the American Comic group?

Mr. CHAMBERLAIN. No, sir; not to my knowledge.

Mr. BEASER. Do you know whether other distributors are doing the same thing with the publishers of crime and horror magazines?

Mr. CHAMBERLAIN. No, sir; I cannot speak for the other distributors.

Mr. BEASER. Is not that one way of getting the odium off the good and onto the bad?

Mr. CHAMBERLAIN. It certainly is, very definitely is. We feel we do not want to be subject to any criticism by this committee, or any other committee, for that matter, in the comic magazines that we distribute. The Superman comics, or National Comic as we call them, are one of the biggest groups in the country. We have a lot at stake in this business and we want to do the best thing possible for the comic industry.

That is why we have taken this step with our outside publishers.

Mr. BEASER. Now, Independent News Distributors own no comics?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. Other types of magazines?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. If I am a wholesaler in New York City and you are supplying me through the Independent News Co. with magazines, what do you do—do you send me a list of magazines that will be published and ask me how many I want?

Mr. CHAMBERLAIN. No, sir. The basic fundamental rules of distribution in the magazine industry is that the national distributor, the Independent News Co., gets together with its publisher and decides upon a national print order, which is a national distribution.

We then lay out, based on sales figures which we maintain in our office, a distribution to all of the various wholesalers around the

United States and Canada. We decide upon what quantity we shall send to any given town.

Mr. BEASER. I get no choice as a wholesaler?

Mr. CHAMBERLAIN. No, sir. That allotment is set up, based on the sales in your own agency of either that particular magazine or similar type magazines. It is done with names, of getting the most sales possible out of the initial print order set up.

You can, however, and it is done many times over by the wholesalers—if they feel they have gotten too few or too many of any given number, they write, wire, or refuse to accept their complete allotment.

Mr. BEASER. If I am a wholesaler and return to you some of these magazines you send, crime and horror, do you keep a service charge in any event?

Mr. CHAMBERLAIN. We have no service charge at all.

Mr. BEASER. Is that a practice in the industry?

Mr. CHAMBERLAIN. That is a practice only as a service between Mr. Wholesaler and Mr. News Dealer.

Mr. BEASER. But not between the distributor and the wholesaler?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. There is no financial loss to me because you sent me too many magazines?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. Now, how does this come? Does it come in a bundle?

Mr. CHAMBERLAIN. Yes, comics generally are packed in cartons rather than in paper bundles.

Mr. BEASER. I as one of your wholesalers will get a bundle generally mixed up with different—

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. Each will be separate?

Mr. CHAMBERLAIN. You will get a shipment of Superman comics, a thousand comics or five hundred.

Mr. BEASER. I can reject those without rejecting others?

Mr. CHAMBERLAIN. That is right, sir.

The CHAIRMAN. You are referring only to the publications that you handle?

Mr. CHAMBERLAIN. I am speaking for the Independent News Co.; yes, sir. But I can tell you that it is a general practice of the trade, too.

Mr. BEASER. Since you are wholly owned there, it is really difficult to ask about the relationship between you and the publisher. Do the publishers have a service charge?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. There is no breakage that anyone gains on sending too many comics out?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. One further question on the distribution. Actually, then—I suppose it would be you, the Independent News Co.—who decides what publications will be published?

Mr. CHAMBERLAIN. What publications we will distribute. We have been offered in the course of the last month some 12 or 14 publications, publishers who have an idea for a magazine, not necessarily a comic, although a couple of them were comics, and they come to us and ask us if we will distribute their publications for them.

Mr. BEASER. As a wholesaler, the first time I find out anything about it is when the magazines arrive on my shelf.

Mr. CHAMBERLAIN. When we send you an announcement that we are distributing X magazine.

Mr. BEASER. I am not asked whether I want it. I am told I am going to get it.

Mr. CHAMBERLAIN. That is correct, sir.

Mr. BEASER. Do you have any financial arrangements between yourself, the Independent News Co., and the Prize Comics?

In other words, do you advance them funds so that they can publish their magazines?

Mr. CHAMBERLAIN. Not in the sense that you present it. Let me say this: I don't know that this specifically holds true for Prize Comics, but it would hold true perhaps for another company, but on delivery of copies, we may advance to them a percentage of the dollar value of the magazines that they are delivering to us. That percentage can run from zero to 25 percent. If it were as high as 25 percent, that certainly is not going to pay for the cost of production of their magazine.

But that is just a bond between us that we believe we will sell at least that number of copies.

Mr. BEASER. The printing bills are paid by the publisher?

Mr. CHAMBERLAIN. By the publisher.

Mr. BEASER. You do not guarantee or advance money for printing bills?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. In what countries are your magazines distributed outside the United States?

Mr. CHAMBERLAIN. We go all over the world pretty much. Of course, Canada is the main country. We are in Mexico; we are in South America. We have some comics that go to South America.

Mr. BEASER. Cuba?

Mr. CHAMBERLAIN. Cuba.

Mr. BEASER. Canal Zone?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. Puerto Rico?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. Virgin Islands?

Mr. CHAMBERLAIN. Yes.

Mr. BEASER. Turkey?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. Japan, Germany?

Senator HENNINGS. Are these books you send to the foreign countries done in the foreign language?

Mr. CHAMBERLAIN. No; the English edition.

Senator HENNINGS. I have seen some of them in foreign languages.

Mr. CHAMBERLAIN. We do have a foreign department that does sell the right to print Superman or one of the other characters in a foreign-language edition.

Senator HENNINGS. They are printed abroad in those instances?

Mr. CHAMBERLAIN. That is right.

Mr. BEASER. What is sent abroad, the plates, the mats? How does it work?

Mr. CHAMBERLAIN. In these countries you mentioned to me just now?

Mr. BEASER. Yes.

Mr. CHAMBERLAIN. We ship the actual copies you can buy here in New York City or any other place in the country.

Mr. BEASER. Your foreign outfit would send what?

Mr. CHAMBERLAIN. I believe they would ship them mats.

Mr. BEASER. Now, there have been some comments made concerning American comics, crime and horror crimes, in other countries. Are you aware of those?

Mr. CHAMBERLAIN. No, sir.

Mr. BEASER. I bring it up with you, sir, because they mentioned specifically the Superman. And this was in the House of Commons in England about a year and a half ago in which it was said:

That there was a considerable market for this type of horror and sadistic literature, literature which glorifies the brute, literature which undermines the law simply because it suggests that the Superman is the person who should take the law into his own hands and mete out justice in his own way. The most sinister thing about these publications is that they introduce the element of pleasure into violence. They encourage sadism, and they encourage sadism in association with an unhealthy sexual stimulation.

Do you screen in any way the materials you send abroad insofar as they may have an adverse reaction toward American foreign relations?

Mr. CHAMBERLAIN. As the Independent News Co., we do not.

I again cannot tell you what they do upstairs. As far as I know they ship the actual mats of the magazines that are sold here in the United States.

Mr. BEASER. They make no attempt to say these do not portray the United States in a favorable position?

Mr. CHAMBERLAIN. That I cannot tell you.

Senator HENNINGS. In other words, I assume the general attitude is that if we are strong enough here to take it in the United States, our friends abroad should be able to take it.

In other words, you would not, sir, say, as counsel has suggested, this is all right to distribute in New York City and San Francisco; we should not have anything like this going to Paris and London?

Mr. CHAMBERLAIN. No, sir; as far as my knowledge goes of the foreign market, we have a foreign representative that must go over and present this package or this item to the various people in that country, to first of all get a man who will buy it and, secondly, get the Government to allow them to get the dollar exchange for that item.

So I believe there is some sort of censorship or some sort of control exercised on what is distributed in those countries.

Again, I am not familiar with it and I cannot discuss it in detail.

Mr. BEASER. We have just put up on the board examples of some foreign-language comic books. Are any of those distributed by you?

Mr. CHAMBERLAIN. Yes, sir. This Ga Ga. That is Ha Ha Comics. I think that is Romantic Adventure up there, if I am not mistaken.

Mr. BEASER. That is one of your love comics?

Mr. CHAMBERLAIN. Yes, that is put out by American Comics group. I don't recognize any of the others. Yes, down in this corner is Adventures Into the Unknown.

Mr. BEASER. In the left-hand corner?

Mr. CHAMBERLAIN. Yes.

Mr. BEASER. That is the one you are not going to publish any more?

Mr. CHAMBERLAIN. That is the one that is being changed editorially.

Mr. BEASER. To meet your new standards?

Mr. CHAMBERLAIN. Correct.

Mr. BEASER. Has it happened in the past, as far as the United States is concerned in the distribution, that you have conditioned the sale of Superman comics on conditions that the wholesaler take a certain specified number of the comics that you also distribute?

Mr. CHAMBERLAIN. Absolutely not.

Mr. BEASER. You have never tied in Superman with the other comics?

Mr. CHAMBERLAIN. That is not known in our industry, believe me.

Mr. BEASER. Have you wholesalers who take just the Superman and do not take the other comics?

Mr. CHAMBERLAIN. We do not have wholesalers that take just one. We have many wholesalers that do not handle our complete line. They select what they want, but the wholesaler could not stay in business handling one comic.

Mr. BEASER. I meant the Superman line.

Mr. CHAMBERLAIN. Yes, we do have some wholesalers that handle the Superman line.

Mr. BEASER. They still get as many as they want of the Superman book?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BEASER. I have no further questions.

The CHAIRMAN. The Chair has no questions, but on behalf of the committee, I want to thank you for your appearance here this morning.

Mr. CHAMBERLAIN. Might I make one statement, sir.

The CHAIRMAN. You may.

Mr. CHAMBERLAIN. There has been a great deal of talk at this hearing this morning about tie-in sales from a wholesaler level to a dealer level. I want to very definitely speak out our part in that picture.

There is no such thing as tie-in sales. I would like to demonstrate it to you gentlemen in a very few moments, by a trip to any one of the agencies in the New York area, where we can show you that the retailer does not maintain all of the magazines that might be shipped to him by his wholesaler.

I can show you that there are 400 or 500 comic magazines distributed in the United States today. There are, I believe, that many titles and you can verify that.

The CHAIRMAN. Are they distributed monthly; is that correct?

Mr. CHAMBERLAIN. No, sir; there are 500 active titles, but there are approximately, I believe, 250 distributed a month. The average newsstand in the United States carries about 65 comic titles, and that is a national survey that we continue day in and day out, so that the average dealer could not possibly be forced to hold and display and try to sell the 500 comics that are distributed, no less be forced to try to sell the thousands of magazines and books that he receives during the course of a month.

We had an experience just yesterday where our wholesaler in Cleveland, Ohio, called me to tell me that, because of the adverse publicity

toward comic magazines that appeared in the paper in Cleveland, he had one of his larger dealers who operates 4 or 5 supermarket outlets, and who is doing a tremendous volume on comics, call him up and discontinue all comics.

He said he would not be bothered by trying to disseminate what was good and what was bad.

Our wholesaler could do nothing about it. He had to take out all of the comics that the man was handling, and he was selling a vast quantity of them.

Our wholesaler had been very cautious about the type of comics he put into that supermarket, but, you see, his hands were tied.

Now, gentlemen, if there is such a thing as tie-in sales, he could say, "You must keep them in there. You must sell those good clean comics," but he can't even do that.

So how in the world can a statement be made that he can force a retailer to handle a specific title or a horror title or anything that you choose. It just is not done; it can't be done in this business. It is not done from a national newsstand level, and it is not done from a local wholesale level.

The CHAIRMAN. You are speaking for all distributors when you say that?

Mr. CHAMBERLAIN. I am giving you clear-cut examples; yes, sir, for all distributors.

The CHAIRMAN. Did you hear Mr. Freedman's example?

Mr. CHAMBERLAIN. Yes, sir.

The CHAIRMAN. Do you dispute that testimony?

Mr. CHAMBERLAIN. Yes, sir.

The CHAIRMAN. Do you dispute the testimony of a man who actually has daily contact with this problem?

Mr. CHAMBERLAIN. I dispute it; yes, sir. He cannot be forced and has never been forced to handle and try to sell any or all magazines that he receives from any source of distribution. That we cannot do that with any retailer in the United States.

As I say, you can have visual evidence of it in any wholesale agency you go into, or newsstand you choose to visit. I think you will find by the courthouse here there are many news dealers that handle 10 titles, and that is all they can accept, because they are open for just a short portion of the day's business and they will only handle a very limited number of titles.

The CHAIRMAN. Why do you suppose the legislatures of two great States of this country, the great State of New York—I am reminded there are three—the great State of New York, my own State of New Jersey, and I am proud to say I think it is a great State, have passed laws to control these tie-in sales, if there have not been tie-in sales?

Mr. CHAMBERLAIN. Because, sir, I say that you have had testimony to the effect that there are definitely tie-in sales, but I do not believe that you can produce factual evidence to prove that there have been tie-in sales in this business.

Senator HENNINGS. Do you mean in any instance whatsoever?

Mr. CHAMBERLAIN. Well, you may find an isolated case where an overzealous routeman, for example, went in and demanded that a dealer handle certain things. However, if you go to that wholesaler who that routeman works for, you will get the clear story of what goes on in our business.

I know I can speak with authority on that, sir, because I was a wholesaler myself for a number of years in the State of Massachusetts. I know just what went on there. I know what is going on today.

Mr. BEASER. I have one question, sir.

You say that it is not possible for the wholesaler through this method of delaying credits to force a dealer to carry whatever the wholesaler wants him to carry. You heard Mr. Freedman?

Mr. CHAMBERLAIN. Yes. I am familiar with this delay in credits in New York City. It is not a situation that pertains to Mr. Freedman. It pertains to the 1,400 news dealers serviced by the Manhattan News Co. and it pertains to the 16 or 17 publishers that supply Manhattan News with magazines. It is not a case of forcing magazines. They are behind in credits, both in getting the magazines to us and in getting the credits to their retailer, just in the process of sorting them, they are behind in that, and that is what has caused this picture.

Mr. BEASER. It puts an incentive on no return?

Mr. CHAMBERLAIN. No, sir; every magazine is sold, fully returnable.

Mr. BEASER. I mean the delay in getting credit would mean that your money is tied up for a longer period.

Mr. CHAMBERLAIN. That is a peculiar situation just as of the moment. The normal process is that a dealer gets credit the following week on his statement. That goes on all over the United States.

You are speaking of a local situation here which is peculiar to the business.

Mr. BEASER. No further questions.

The CHAIRMAN. Mr. Chamberlain, thank you very much for your appearance here. I commend you for your testimony.

Counsel will call the next witness.

Mr. BEASER. Mr. Charles Appel.

The CHAIRMAN. Do you solemnly swear that the evidence you are about to give before this subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. APPEL. I do.

TESTIMONY OF CHARLES APPEL, PROPRIETOR OF ANGUS DRUG STORE, ST. PAUL, MINN.

The CHAIRMAN. Will you state your full name, address, and association for the record, please?

Mr. APPEL. My name is Charles Appel, 240 East Butler, St. Paul,

The CHAIRMAN. The subcommittee wants to thank you for coming all the way here this morning to testify and give us the benefit of your experience.

Mr. APPEL. I am a pharmacist, and I own the Angus Drug Store, 380 Selby Street, St. Paul.

Mr. BEASER. How long have you been a pharmacist?

Mr. APPEL. Since 1929.

Mr. BEASER. Do you carry any magazines at your pharmacy?

Mr. APPEL. Yes; we do.

Mr. BEASER. Do you carry the crime and horror-type comic books?

Mr. APPEL. No; we do not.

Mr. BEASER. Did you at any time?

Mr. APPEL. We received them, but returned them at all times.

Mr. BEASER. What happened when you returned them?

Mr. APPEL. We were given credit for them.

Mr. BEASER. Was there any retribution?

Mr. APPEL. Not until the 17th of March.

Mr. BEASER. This year, you mean?

Mr. APPEL. Yes.

Mr. BEASER. What happened the 17th of March, this year?

Mr. APPEL. I received a bundle of magazines and one of the titles was missing. The TV Guide for our community was missing.

Mr. BEASER. You did not get any TV Guides at all?

Mr. APPEL. That is right.

Mr. BEASER. What happened?

Mr. APPEL. When the route checker came in I asked him what was the idea. I checked across the street and they had received theirs. He called the office and they said I was not to receive them because I had not paid my bill.

Mr. BEASER. Had you paid your bill?

Mr. APPEL. My bill was current; it was \$200.

Mr. BEASER. What happened then, sir?

Mr. APPEL. So I explained to them I was running my business and if they wanted to run a business, buy a drugstore of their own; otherwise I wanted the magazines the way I ordered them, not the way they felt to send them.

Mr. BEASER. Did you get them?

Mr. APPEL. No, I did not. I had them pick up the balance of their distribution and paid them their bill.

Mr. BEASER. What happened subsequent to that?

Mr. APPEL. Subsequent to that the city council took it up, the State took it up, and passed a resolution against the literature.

Now, what they have done is that they have continuously snowed us under with books we do not order. I have invoices here for a number of months, and the percentages of the magazines that we can sell that they send us is so small compared to what we have to count, check, handle, it is not worth while handling.

Mr. BEASER. Do they charge you anything for the handling, or do you get full credit?

Mr. APPEL. They have a weekly service charge for counting magazines on your rack and deciding how many of each you shall get.

Mr. BEASER. Who does that, the route man?

Mr. APPEL. The route man.

Mr. BEASER. He comes in and counts how many magazines you have?

Mr. APPEL. Of certain numbers. He takes spot numbers, how many we have, and we give him the figures of how many we have sold.

Mr. BEASER. Is that service charge based on the number of magazines you carry?

Mr. APPEL. No, I believe each dealer pays the same amount, 50 cents a week.

Mr. BEASER. So at the present moment you are no longer carrying crime and horror comics?

Mr. APPEL. That is right.

Mr. BEASER. You also are not carrying the TV Guide?

Mr. APPEL. Nor Reader's Digest or Saturday Evening Post, or other leading publications which we want.

Mr. BEASER. Because you could not get one without the other; is that it?

Mr. APPEL. That is right.

Mr. BEASER. That was a local wholesaler?

Mr. APPEL. We call them distributor.

Mr. BEASER. In Minneapolis?

Mr. APPEL. In St. Paul.

Mr. BEASER. Now, as a result of this the city council passed what kind of resolution?

Mr. APPEL. Banning sale of obscene and indecent literature. The State passed a resolution.

Mr. BEASER. That is the State Association of Pharmacists?

Mr. APPEL. Yes,

The CHAIRMAN. May the Chair interrupt counsel to announce the arrival of the Honorable E. D. Fulton, member of the House of Commons of our great neighbor to the north, the Dominion of Canada.

Mr. Fulton, we welcome you here, and in due time we will have your story before the subcommittee. It is a great privilege to have you here.

Mr. FULTON. Thank you, Mr. Chairman, I am very glad to be here.

The CHAIRMAN. All right, Counsel, you may proceed.

Mr. BEASER. That is one method of proof, I gather, that tie-in sales with crime and horror comics do exist?

Mr. APPEL. Tie-in sales with what they want to send you is definitely proved, I believe.

Mr. BEASER. Have you any suggestions as to how those tie-in sales can be avoided?

Mr. APPEL. I have made an agreement with the other company who brought in a list. They allowed me to pick up what I would accept. They will send me according to their record as many as I need to cover my sales.

Mr. BEASER. How do you do that? Do you do that once a month or once a week?

Mr. APPEL. This is after a number of years of wrangling; I told them either to do that or I would have to throw out the magazines. So the American News came in with a list of approximately 80 magazines. I accepted all but 17.

The CHAIRMAN. You say the American News?

Mr. APPEL. The American News. The Minnesota News is the local branch.

Mr. BEASER. The other company was what?

Mr. APPEL. The other company never came around. They would not listen to me on that basis. That was the St. Paul News.

Mr. BEASER. You are now ordering magazines, a number of magazines, solely on title rather than content? You know the magazines?

Mr. APPEL. That is right.

Mr. BEASER. I have no other questions.

The CHAIRMAN. Senator Hennings?

Senator HENNINGS. I have no questions, Mr. Chairman.

The CHAIRMAN. I have no questions.

I want to thank you for your presence here this morning.

Mr. BEASER. Mr. Chairman, he has some documents which he wants to leave with us, the invoices. May we have those for the record?

The CHAIRMAN. Without objection, the documents will be made part of the record of the subcommittee.

Mr. APPEL. I would like to explain them. I have statements here from the 24th of February to the 3d of March, including the 3d of March. I received about \$140 worth of magazines. Of that group, I had to return \$80.87 worth showing that they just snow you under with amounts of magazines.

The CHAIRMAN. Will you have any need for these?

Mr. APPEL. No, I am through business with this fellow.

The CHAIRMAN. They will be made a part of the subcommittee's file. Let that be exhibit No. 29.

(The documents referred to were marked "Exhibit No. 29," and are on file with the subcommittee.)

Mr. BEASER. Have you any other documents you wish to show the subcommittee?

Mr. APPEL. Letters from well wishers and what not.

The CHAIRMAN. Counsel, call the next witness.

Mr. BEASER. Mr. George B. Davis.

The CHAIRMAN. Mr. Davis, you do not mind being sworn?

Mr. DAVIS. No, sir.

The CHAIRMAN. Do you solemnly swear that the evidence you are about to give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIS. I do, sir.

The CHAIRMAN. Mr. Davis, will you give your full name and address?

**TESTIMONY OF GEORGE B. DAVIS, PRESIDENT, KABLE NEWS CO.,
NEW YORK, N. Y.**

Mr. DAVIS. George B. Davis, 500 Fifth Avenue, Kable News Co. My home address, Crestwood, N. Y.

The CHAIRMAN. Counsel, you may proceed.

Mr. BEASER. What is your position with Kable?

Mr. DAVIS. President of Kable News Co.

Mr. BEASER. Kable News Co. does what, sir?

Mr. DAVIS. They are national distributors of magazines and comics.

Mr. BEASER. We have put up an exhibit there, sir, of various kinds of magazines which I think, from information furnished, are ones that you distribute; is that right, sir?

Mr. DAVIS. That is correct. I think it is a pretty good representation of what we have.

Mr. BEASER. A very wide variety.

Mr. DAVIS. I recognize that one there.

Mr. BEASER. That is the inside of Frolic Magazine.

Mr. DAVIS. That is right.

Mr. BEASER. How many magazines do you distribute in all?

Mr. DAVIS. I would say about 70, sir.

Mr. BEASER. How many of those are comics?

Mr. DAVIS. About 40.

Mr. BEASER. Of the comics, how many would be crime and horror?

Mr. DAVIS. I have a breakdown, sir. We have 1 adventure, 3 detective, 7 western, 8 juvenile, 6 love, 3 satire, 2 war, and 10 weird.

Now, you say horror and something else. I refer to them as weird.

Mr. BEASER. Crime and horror.

Mr. DAVIS. That is right.

Mr. BEASER. In other words, 25 percent of your total comics are of the weird variety?

Mr. DAVIS. Right.

Mr. BEASER. How many are of the crime variety?

Mr. DAVIS. I imagine that would be what we refer to as detective; is that right? Three.

Mr. BEASER. Now, let me ask you a bit about your distribution practices, sir.

Mr. DAVIS. Yes, sir.

Mr. BEASER. Now, as a wholesaler I get your complete line; is that it, all this?

Mr. DAVIS. No, sir; you do not. If there is anything that we distribute that the wholesaler does not want, he immediately refuses it and sends it back express collect.

Mr. BEASER. Otherwise I get it?

Mr. DAVIS. Otherwise you would get it. My situation is similar to Mr. Chamberlain's, I imagine, that we are national distributors. There were quite a lot of distributors that have selected lists and they order what they please. They tell you if they want it or not.

Mr. BEASER. How do I know as a wholesaler what is coming in in the next bundle?

Mr. DAVIS. We have advance billing and promotion pieces on most magazines, which is going out far in advance of the release.

Mr. BEASER. What the content is likely to be?

Mr. DAVIS. Not exactly the content. Sometimes we play up the editorial. We have a promotion department telling what is in there; yes, sir.

Mr. BEASER. I get a notice from you saying on such and such a date Fantastic would be coming in?

Mr. DAVIS. Yes.

Mr. BEASER. Am I asked to notify you by a certain date as to whether I want Tab or Frolic?

Mr. DAVIS. No, sir.

Mr. BEASER. Do I have the option of notifying you?

Mr. DAVIS. You do. You can tell us you are not going to distribute it. You can tell us you are sending it back express collect; you can do anything you please.

We have no restrictions on that, even though I may be honest and admit that we try to get a general distribution on practically everything we distribute.

Mr. BEASER. The burden is put on me as a wholesaler, then, to get notice to you that I don't want your magazine?

Mr. DAVIS. That is right.

Mr. BEASER. How would I know about that if I were a wholesaler and you were distributing a new kind of magazine? Say Tops just came out and you sent me a brochure on Tops. How would I decide what is in it?

Mr. DAVIS. Then you send a letter back, "Do not send Tops."

Mr. BEASER. How would I know what is in Tops?

Mr. DAVIS. You wouldn't know, but a lot of wholesalers don't take new titles, regardless; that is the freedom in the business.

Mr. BEASER. If you have a wholesaler, for example, who says to you: he does not want Strange, Voo Doo, or your Danger, does he get as many copies of Hunting and Fishing?

Mr. DAVIS. Yes.

Mr. BEASER. Radio-Electronics?

Mr. DAVIS. Yes. We have no such powers in our line, anyway. In other words, that power is not used in this business. I think that is a far cry from the truth, about forcing stuff. Believe you me, sometimes I wish I could force a little.

I will give you a little typical example. I just happened to see my friend Sam Black over there, who will probably testify here, and this goes into comics and I think it is a very interesting story. We just took over a line of comics, the St. Johns' line of comics, and there were 40 titles included in this group.

We didn't notify the wholesalers—this was long in advance of our distribution, but Mr. Black found it out. He didn't think St. Johns' comics was such a good line. So he says, "Under no conditions send me any of St. Johns' comics."

The thing that Mr. Black didn't know was this, that out of the 40 comics that Mr. St. Johns had, we were only taking 18 which included nothing in the world but children's stuff and good, clean stuff like Adventures of Mighty Mouse and all that Looney Tooney stuff, and Paul Terry's comic.

Mr. BEASER. Where was St. Johns' distributing the others?

Mr. DAVIS. To the American News Co. I mean he was distributing all to them. We did take the line, eliminated 26 titles from the market and kept the good, clean comics that we could take.

Now, I only cited that as an illustration to show the freedom of action in this business.

Mr. Black says, "Don't send any," so, naturally, I am not going to send any, but when I have a chance to talk to him I will tell him the entire story.

Mr. BEASER. Is there any breakage which inures to you by reason of the fact that you get a handling charge for any of the magazines?

Mr. DAVIS. No, sir; we get no handling charges, sir. We make a profit from our publishers on what is sold.

Mr. BEASER. That is all.

Mr. DAVIS. That is all.

Mr. BEASER. Now, what standards do you utilize in determining what materials you will distribute, if any?

Mr. DAVIS. That is a very important question; a very nice one, a pointed question. There are publishers in this business that, like everybody else, kick their traces at times. I am not holding any brief for these fellows that go overboard.

I think one thing wrong with most of these meetings is the fact that some of them don't seem to be quite honest with the answers. I think to a certain degree all of us at times may be guilty of overstepping our bounds.

Now, in my position at the Kable News Co., I am solely responsible for what we distribute. Quite often I will take on a magazine that has a good title, but I am not too familiar with the editorial content. The publisher will tell me what the contents are, but when it comes time for distribution, it is all printed and gone before I get my advance copy, and then it is too late for me to do anything about it.

Let me give you a couple of illustrations. A man, one of our publishers, put out a comic last week. When I heard about it—I have been immobilized for a couple of months—I found out about it and I insisted he kill it immediately. I have had people look through the editorial content and can't find anything too wrong with it, but the title itself.

Mr. BEASER. What is the name of it?

Mr. DAVIS. Tomb Horror. We killed it. I told the fellow not to print another one yesterday, when I heard about it.

Mr. BEASER. How much ability have you to go through 70 magazines a month?

Mr. DAVIS. It is not 70 a month. It is 70 titles. They can be bi-monthly. There will probably be a billing of 20 or 30 a month. Some quarterly, some annuals, some few monthlies.

Mr. BEASER. How can you tell whether Haunted Thrills for May or June contains something that may or may not be harmful to children?

Mr. DAVIS. I cannot. I can only go on my experience in the business. Now, as to what is harmful, some people have different definitions. I think I know as much about children as any man that has been in this courtroom yet, or this hearing yet, because I handled 86,000 for a good many years.

Senator HENNINGS. Where was that?

Mr. DAVIS. I had the Liberty boys' organization, the Macfadden Publications, which grew from nothing to 86,000 boys. We had little or no trouble.

Senator HENNINGS. What sort of groups were they?

Mr. DAVIS. They were boy salesmen delivering Liberty to the homes of all the people, like the Saturday Evening Post magazine.

We had a welfare organization. We had to closely supervise these boys, to see that they were home nights and everything else.

I tell you one of our biggest special prizes in those days, strange as it may seem, was a jackknife. In the course of 7 years, we spent a million dollars on jackknives.

Mr. BEASER. You think that none of the material in all your crime—

Mr. DAVIS. No, sir; I wouldn't say that. I said that sometimes they will kick their traces. I will admit very honestly I have no chance to go through all of them. Believe me, I am just as anxious as anyone about this situation. If there are comics or any of them that have any bearing on the youngsters of this Nation, Mr. Campbell, the owner of my company, or myself, want no part in it, regardless of the money involved. This is not a fast dollar for us.

Mr. BEASER. Actually nobody in your organization takes any responsibility for the content of what is distributed?

Mr. DAVIS. I would say this, sir, that when we feel—now, I think if we are guilty of anything, we are guilty of the fact that we have not scrutinized them carefully enough, if you do find something wrong with ours, and that depends again on what you consider bad taste.

Senator HENNINGS. You are speaking, sir, of just the comics which you distribute?

Mr. DAVIS. Yes.

Senator HENNINGS. You are not talking about some of the other magazines, the Gala, Scope, Suppressed?

Mr. DAVIS. That type of material has very, very limited distribution, sir.

Senator HENNINGS. By limited distribution, Mr. Davis, what do you mean?

Mr. DAVIS. I mean it would go to three or four hundred towns; stuff like that. Wholesalers don't have to take that stuff.

Senator HENNINGS. How many in numbers would you publish of Frolic?

Mr. DAVIS. Frolic would be about 100,000.

Senator HENNINGS. A month?

Mr. DAVIS. That is right.

Senator HENNINGS. How long has it been in publication?

Mr. DAVIS. It has been out for probably 7 or 8 years.

Senator HENNINGS. It sells about 100,000 a month?

Mr. DAVIS. No; it does not sell 100,000. It sells about 65,000.

Senator HENNINGS. Do you undertake to scrutinize the material that goes into such magazines as Frolic?

Mr. DAVIS. I would not say at all times I do, but we have gone on Mr. Sumner's record here over the years in New York City. I think he made the statement, when this type of book was brought into court, that it was no more than what they are showing on these Broadway shows. In fact, this girl shaking her shimmy there is right out of the Broadway show. I have seen her myself. That is the Tiger Girl in Kiss Me Kate. That is the same picture.

Now, we have gone on that premise. And the beaches, also, for that matter; you can go to the Shoreham Hotel and see just as bad as that any time in Washington with a bunch of little gals around there.

Senator HENNINGS. In other words, you suggest that the mores and general acceptance of what may be seen in Broadway shows or a nightclub or at the Shoreham Hotel, or any other hotel, is the criterion by which you would determine which of these publications should be acceptable?

Mr. DAVIS. That has been my thinking, sir, but I will make one thing very clear here, that I am not the publisher, sir.

Senator HENNINGS. I understand that.

Mr. DAVIS. I may also say that the publisher of Gala also publishes such type books as Movie Spotlight, Movie Play, and Movie Time. It is not just one house of so-called girlie books.

Senator HENNINGS. Now, as the distributor, then, have you ever told any of the publishers, for example, that you would not take for distribution a magazine such as Suppressed?

Mr. DAVIS. No, sir; we would take Suppressed, and be glad to have it.

Senator HENNINGS. Have you ever refused to take any that have been offered to you?

Mr. DAVIS. Yes, sir; many, sir. For instance, I may point out that in dealing with St. Johns' comics, he had some comics there that we didn't care about putting out. We took 18 of what we considered the best.

I don't think there is any better than that line—Looney Tooney group, or Paul Terry, or Mighty Mouse group.

Senator HENNINGS. What was your yardstick of judgment as to the comics that you refused to take?

Mr. DAVIS. I will tell you the judgment is this: Probably his were no worse than the rest of them.

It seems to me that it is going just a little too far, honestly, this comic business. I am not sitting here trying to tell you I don't think so. Honestly, I believe it is.

They are sticking their necks out a mile and a half. As far as we are concerned, we are going to be very, very careful about this, even more than in the past.

Now, I cannot reconcile several things here. No one has shown me yet—I want to be convinced myself—wherein a comic has caused any particular crime or has anything to do with this crime business.

Senator HENNINGS. We are not trying to make that case, Mr. Davis, as you know.

Mr. DAVIS. I am asking for my own information.

Senator HENNINGS. May I say for your information, sir, and with the permission of the Chairman, that we have said at the outset of these hearings, sir, that this committee has no preconceived views about this. We are not, in other words, presenting the state's case. We are trying to find out if there is any impact in this, and if so, to what extent, and what should be done about it if it exists.

Mr. DAVIS. I will agree that this thing has gone a little too far, but I do agree also that the industry in itself should get together and do a little fine-combing here.

The CHAIRMAN. The committee agrees with that statement.

Mr. DAVIS. Because this industry can be ruined by the other side of the fence also. By having committees review newsstands and pull out good magazines. I published a magazine several years ago called the Ideal Woman. The feature story in it was Mary Pickford's Why Not Try God, Christian Science Business. This book of mine was put on the list circulated in the entire country as being indecent literature.

As far as I am concerned it is still on there. That was 10 years ago. The thing has been dead 10 years.

Some of the committees go overboard. Are they capable and do they know the right things? If we had some smart people that knew what it is all about to go out—I am not saying they are not smart, but to do some little fine recommendations, I think the industry would be much better off.

Senator HENNINGS. Why is not the industry itself capable of regulating itself?

Mr. DAVIS. I have heard some statements made here that make this industry look ridiculous. You asked a man if something looks horrible, he said, "No, if there is no blood dripping out it is not horrible."

Senator HENNINGS. For example, Mr. Mystery, is that one of your publications, sir?

Mr. DAVIS. Yes, sir.

Senator HENNINGS. Do you think that is a rather pleasant example?

Mr. DAVIS. You mean the cover?

Senator HENNINGS. Human heads boiling in a vat, that amiable gentleman sewing one of them with a needle and thread.

Mr. DAVIS. It is so horrible it is comical. I would not agree that is in good taste; no, sir.

Senator HENNINGS. Here is another, the Weird Chills.

Mr. DAVIS. That is one of mine.

Senator HENNINGS. That apparently lives up to its name. You take a look at that picture.

Mr. DAVIS. Pretty bad, pretty bad.

The CHAIRMAN. While you are up here, will you take a look at some of those ads? Have you ever read the advertisements in the magazine Gala?

Mr. DAVIS. No, sir; I am afraid I haven't.

The CHAIRMAN. It would seem to the Chair that your industry ought to look into those ads because they support the magazine apparently.

Mr. DAVIS. I will look into it myself.

The CHAIRMAN. Those ads are pretty horrible to me.

Senator HENNINGS. If the chairman will allow me again, here is Weir Terror. Of course, a lot of these things are in the realm of judgment and taste. Some may be suggested to be no worse than some of the more imaginative illustrators of the tales of Edgar Allen Poe, but some of them seem to go beyond ordinary imaginative artistic representation, even of horror.

Mr. DAVIS. I will give you a little argument as to what these fellows tell me when I holler about those things. Well, kids on Halloween go out here, put on all kinds of funny faces, tombstones around them, and everything.

In my opinion they make those things so ridiculous, they really get to be laughable, they really do.

The CHAIRMAN. You never before have looked at those ads inside the publications you distributed?

Mr. DAVIS. No, sir. I think our publishers could probably give you more information on that, sir, than I could. I could certainly notify them if you would like them to testify here.

The CHAIRMAN. I would like to note for the record that a sample of these ads, there are 2 or 3 samples, will be written into the record. Let that be exhibit No. 30.

(The ads referred to were marked "Exhibit No. 30," and read as follows:)

ILLUSTRATED BOOKLETS

The kind you will enjoy. Each one of these booklets is size 3½ by 4½ and is illustrated with 8-page cartoon illustrations of comic characters and is full of fun and entertainment. Twenty of these booklets all different sent prepaid in a sealed envelope upon receipt of \$1. No checks or C. O. D. orders accepted.

(Name of company)

(Address of company)

ILLUSTRATED COMIC BOOKLETS

Sell our illustrated comic booklets and other novelties. Each booklet size 4½ x 2¾ and is fully illustrated. We will send 24 assorted booklets prepaid upon receipt of \$1 or 60 assorted booklets sent prepaid upon receipt of \$2. Wholesale novelty price list sent with order only. No orders sent C. O. D. Send cash or money order.

(Name of company)

(Address of company)

ILLUSTRATED BOOKLETS & NOVELTIES

Our vest pocket series of illustrated comic booklets are the kind that are fully illustrated with comic characters. The novelties are the kind you want for excitement and amusement. 16 different booklets and 4 different novelties sent prepaid in sealed envelope on receipt of \$1. No C. O. D. orders or check accepted. Wholesale price list included with orders only.

(Name of company)

(Address of company)

Mr. DAVIS. I don't think it is necessary for that magazine there to survive on that type of ad or any other magazine. If it can't go without that type of ad it should not go at all.

Senator HENNINGS. Where are these mostly sold?

Mr. DAVIS. That would be sold on Broadway here, sir.

Senator HENNINGS. In what kind of establishments in cities outside of New York?

Mr. DAVIS. I would say outside of New York most any time it would be a downtown corner stand—traffic, soldiers, sailors, to every working guy.

Senator HENNINGS. This would not go by and large to the drug-stores?

Mr. DAVIS. No, sir. By and large it would not go to the neighborhood. It would be a mistake to go in there.

Senator HENNINGS. The chain food stores?

Mr. DAVIS. No, sir.

Senator HENNINGS. You would not distribute it to such outlets?

Mr. DAVIS. That is quite right. That would have a high-spot distribution.

Senator HENNINGS. You would not consider it good business judgment, as a matter of fact, to put these in drugstores?

Mr. DAVIS. You hold up Suppressed and Gala. I put both Suppressed and Gala in a different category.

Senator HENNINGS. This is Frolic I am holding.

Mr. DAVIS. That is a girlie book. That is around the honky-tonks, in places where they are drinking, you know, just a general downtown section of the town.

It would not go to the suburban section. It would go where the men congregate.

Senator HENNINGS. This, for example, has the Lonely Hearts Club, the names and addresses of 100 beautiful single girls, 18 to 25, list rushed by airmail. Don't delay. Why be lonely? Let America's friendly club introduce you by mail. Social correspondence clubs, and so on.

We do know, of course, that some of these so-called correspondence clubs or matrimonial agencies or lonely hearts organizations have led to pretty serious trouble in cases such as blackmail and extortion.

Mr. DAVIS. We used to have a lonely heart ball in Madison Square Garden some years ago, every year.

Senator HENNINGS. That is not comparable. That has some supervision. But you do not pay any attention to the advertising?

Mr. DAVIS. I am afraid I don't. My job is to distribute magazines. I try to be careful. Some of those magazines have been long established, like the one you have there.

Naturally, I can't get into every ad that goes into there. If I did, the publisher could tell me, "It is none of your business."

Senator HENNINGS. Is it fair to sum it up, Mr. Davis, to say that you try to be careful, but you really do not have an opportunity to be careful?

Mr. DAVIS. I will say this: That we try to be respectable; let us say that.

Senator HENNINGS. Respectable?

Mr. DAVIS. To our knowledge, what a respectable citizen should be.

Senator HENNINGS. But the job is really just beyond you and certainly not entirely within your jurisdiction as you see it; is that it?

Mr. DAVIS. I will say, in my opinion, some of this stuff is overboard. I do say again that the industry should take cognizance of it and work accordingly and clean up whatever they think is right and do the right thing. That is my opinion.

Senator HENNINGS. Thank you, sir.

Mr. DAVIS. But I would like to add something to Mr. Chamberlain's statement, if I could.

The CHAIRMAN. You may, sir.

Mr. DAVIS. That is on this force distribution business. A wholesaler having to accept—let me briefly outline this: that there are 850 wholesalers in the United States and Canada. A wholesaler does not have to accept a magazine if he does not want it. A dealer in turn is delivered magazines, probably 25 or maybe 50 a week, 2 deliveries, Wednesday and Friday. If that dealer goes through his bundle and finds that there are types of magazines there he does not want on his stand, he can put them in the return box and the wholesaler will pick them up.

To prove this point, returns on comics, some of them at times run as high as 25 percent, magazines that have never seen daylight, returned from the dealers, proving that the dealers can return them.

The CHAIRMAN. You would not say there are no tie-in sales?

Mr. DAVIS. I would not say, sir, that there has not been some route man somewhere along the line that may have become a little ambitious and said something like that to a dealer, but as far as wholesalers are concerned, they are too smart for that.

The CHAIRMAN. Are there any further questions, Counsel?

Mr. BEASER. Yes, Mr. Chairman.

Picking up Senator Hennings' question as to where this Gala magazine and Frolic—do they go to the same places that carry comics, crime and horror comics?

Mr. DAVIS. That is a general statement I would not like to answer, because I could not tell you.

Mr. BEASER. Have you seen from your own observation?

Mr. DAVIS. From my own observation I would say no. I live in a town where they have six magazine dealers and I don't think you would find one of those books there.

Mr. BEASER. You have not seen it around town?

Mr. DAVIS. No, sir.

Mr. BEASER. Getting back to your standard as to what you will or will not accept—

Mr. DAVIS. Yes, sir.

Mr. BEASER. Do you think your standard would or should be different, depending on whether you thought the material would get into the hands of kids?

Mr. DAVIS. I would say that our standard could stand improvement, being perfectly honest with you, particularly on covers, and on some of the covers I looked at this morning, I would say that could be done.

Mr. BEASER. Would you, sir, be concerned if you knew that Frolic and magazines of that type are getting to kids?

Mr. DAVIS. Are getting on the same stands?

Mr. BEASER. Yes, where the comics are.

Mr. DAVIS. From my observation of Frolic on the newsstand or Gala, or any of those other type girlie books, you usually find them so high up it is hardly possible for a child to see them.

Mr. BEASER. What responsibility do you think it is reasonable for the public to expect a man in your position to assume for the type of material that he is going to distribute in relationship to crime and horror books?

Mr. DAVIS. The public has a perfect right to expect magazines on the stands that would not violate any laws of decency from people, of the type distributors we are, national distributors. I should think they would expect that.

I would not want them to read anything that I would not want my own family to have. That is the story.

The CHAIRMAN. We had one publisher here that told us the last time we were in New York he tried these magazines out on his friend's children. What do you think of a statement like that?

Mr. DAVIS. A lot of those fellows—there is such a variety of thinking on this whole business. I tell you one thing, and I still stick to one thing I said, that I think we can improve on our business and I think a lot of publishers can improve.

But I will say I hope we never destroy the imagination of American kids. They are dreamers and they have been used to fantastic things. The more Indians that Buffalo Bill killed when I was a kid—I liked it.

Senator HENNINGS. You do not think it is possible to destroy the imagination, do you?

Mr. DAVIS. I don't know. The kids imagine a lot. Kids are dreamers. Take in New York City. I think you could take every comic out of Long Island—they would have more juvenile delinquency. You see the poor kids on 10th Avenue under the fire hose—

Mr. BEASER. You say the crime and horror comics have no effect whatsoever?

Mr. DAVIS. I couldn't make a statement of that nature. I wouldn't know.

Mr. BEASER. But you would not say that the publishers should wait until it is proven beyond a reasonable doubt before you take action?

Mr. DAVIS. I think if there is a doubt you should correct it.

Mr. BEASER. We have on the board an organizational chart of some of the magazine companies that you are distributors for.

Mr. DAVIS. Yes, sir.

Mr. BEASER. Do you regularly make financial advances to those companies?

Mr. DAVIS. Our position is similar to other national distributors. This distributing business is very competitive, sir. There are 7 or 8 within the independent ranks and there is American News Co. There has been an instance possibly of advancing and prepayment on magazines.

Mr. BEASER. In many cases some of these magazines could not be published if it were not for your financial aid?

Mr. DAVIS. I wouldn't say that. A man can print or publish a magazine. The advance cover is a very small portion of it.

Some publications we settle 60 days after they are off sale. Some 70 days after sale.

Mr. BEASER. Would you in any case advance or guarantee the printing bill?

Mr. DAVIS. No, sir.

Mr. BEASER. Let me ask you one question as to your foreign distribution. Do you have foreign distribution?

Mr. DAVIS. Yes, sir; some. Not a great deal. As far as we are concerned, we go to Panama, South America, probably a couple of places down there, Bermuda, Honolulu, Alaska. That is about all. Canada, naturally.

Mr. BEASER. I presume you do no greater screening for the material that is going abroad than you do for the material that is distributed here in the United States.

Mr. DAVIS. Our foreign business is not enough to talk about. It would not amount to 200 a title.

Mr. BEASER. Do you make any attempt to screen the kinds of titles that are getting abroad, that might react in favor of the United States, or against the United States?

Mr. DAVIS. No, sir.

Mr. BEASER. You have no standard there, either?

Mr. DAVIS. No, sir.

Mr. BEASER. No further questions, Mr. Chairman.

Senator HENNINGS. Mr. Davis, you have been good enough to come here. I do not want to seem to be cross-examining you, but I would like to ask you one question in order to clarify in my mind at least—I may be so obtuse that I do not quite understand your meaning—I understood you to say that you think the comic book industry and the horror comics are necessary because of other unfortunate conditions relating to the welfare of young people.

As I recall your testimony, you have said, too, that you believe the children need this sort of outlet by way of blowing off steam, because of insufficient playgrounds, overcrowded schools, and other distressing conditions with which we are all familiar.

I thought I understood you to say, too, that you were afraid that if the industry went too far in regulating itself, or any other regulations were imposed upon it, that it might destroy the imagination of the American youth.

Mr. DAVIS. I think you must have me all confused with somebody else, Senator.

Senator HENNINGS. I may have. I thought you said something about destroying the imagination of our children. This is not a "please answer yes or no" business. I was trying to briefly review and sum it up by asking for your observations on what is probably not a

question, but more in the nature of a statement, an effort to sum up a portion of your testimony.

Do you or do you not believe that the people of character and a sense of social responsibility, a sense of awareness of their obligations to the communities and to our country, have some sense of guilt about some of these publications?

Mr. DAVIS. Yes, sir.

Senator HENNINGS. As to their character and the nature of them?

Mr. DAVIS. Yes, sir.

Senator HENNINGS. With relation to what they may be doing to the minds of the children?

Mr. DAVIS. Well, I am not qualified about the minds of the children, but I do say in my opinion—and that is all I can talk about—I think some of them are overboard; yes, sir. I certainly don't want to leave any impression, the only thing I said—I may have confused you slightly by making this statement—that quite often committees will go around to a newsstand and make a wholesale slaughter of magazines, taking a lot of good ones along with a few of the bad apples.

I say this whole barrel of apples is not rotten. There are a few in there. We must admit that. And anyone who tries to defend things like that is next to crazy, and he is out for something besides helping America.

We can't say that the entire industry is rotten due to those few. I think the pressure should be put on them. If we are off base in our own shop, I can assure you one thing, that I can put our people back on base, our publishers. If they are out of line I can put them back. Don't worry about that.

Senator HENNINGS. You have been doing it and intend to continue to do it?

Mr. DAVIS. I have not been too active in the last 3 months, sir. I have been in the hospital and I have been at home with my eye condition here.

The CHAIRMAN. But your purpose is to help the industry clean house within?

Mr. DAVIS. Yes, sir; and I will say this, that no dealer nor any wholesaler in America has to take anything the Kable News Co. distributes if they don't want it. Nobody uses any pressure or any force or nothing, and they can send it back express collect if they get it and find out that the local community don't need it, or they themselves consider it bad taste.

So our position is just that. There are no arguments whatsoever.

The CHAIRMAN. Thank you, Mr. Davis, for your forthright testimony.

Mr. DAVIS. Thank you, sir.

The CHAIRMAN. That concludes the witnesses for this morning's hearing.

The subcommittee will now stand in recess until two-thirty this afternoon.

(Thereupon, at 12:30 p. m., the subcommittee was recessed, to reconvene at 2:30 p. m., same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 2:30 p. m., upon the expiration of the recess.)

The CHAIRMAN. This session of the subcommittee will be in order.

The subcommittee is highly honored today by the presence of a distinguished member of the Canadian Parliament, Mr. Fulton.

Mr. Fulton has had considerable experience with the problem which presently confronts the committee. If Mr. Fulton will come forward, we would like to hear the story as you have experienced it in your great country and our great neighbor, Canada.

You may be seated, Mr. Fulton.

I am going to depart from our usual procedure here in your case. We have been swearing witnesses, but we are not going to swear a member of the Canadian Parliament. You are one of us.

**STATEMENT OF HON. E. D. FULTON, MEMBER, HOUSE OF COMMONS,
CANADA**

Mr. FULTON. I appreciate that very much.

Perhaps for the introductory words, I might stand, because I think it would be appropriate while I express on my behalf the feeling of deep appreciation I have for the honor of this invitation. I hope that my presentation may be of some assistance to you as indicating the course which your neighbor, Canada, followed in attempting to deal with this problem.

As a problem of concern in equal measure to both our countries, I assure you that although I am not a member of the government in Canada, I am quite certain that I speak for all our representatives in Parliament and for Canada as a whole when I say that they appreciate the honor of the invitation and the opportunity to come down and discuss with you these problems of such great mutual concern.

I think it is proper to suggest that this is one more example of the friendship and good neighborliness between our two countries.

I want to express to you, sir, and your colleagues on this subcommittee, my appreciation for the honor of this invitation and the opportunity to come here.

The CHAIRMAN. Thank you. We are grateful to you and grateful to Canada.

Now, Mr. Fulton, you may proceed to present your case in whatever manner you choose and think best.

Mr. FULTON. Mr. Chairman, I have first, two apologies to make. I was late this morning, owing to weather conditions over the airport here. I trust that my delay did not inconvenience your proceedings.

The second apology I have to make is that while I accept the responsibility for it myself, I should have been able to do it, I found that I didn't have sufficient notice to prepare a text, but I have made fairly extensive notes.

If it meets with your convenience, I would be prepared to make a statement outlining our approach to the problem and at the conclusion of that perhaps we could discuss it by way of any questions you might have.

The CHAIRMAN. That procedure will be entirely satisfactory to the subcommittee.

Mr. FULTON. There is one other matter I should explain. Your counsel, Mr. Beaser, asked me if it would be possible for me to arrange to have somebody from either our Federal Department of Justice or a provincial attorney general's office to be available to discuss with you the questions of enforcement of the law which we have in Canada.

I regret that again owing to the time factor I was not able to arrange to have any such official with me.

The CHAIRMAN. For the record, the Chair might state that Mr. Fulton refers specifically to the law covering crime comics.

Mr. FULTON. That is correct. But I don't want the fact that no one else is here with me from any of the executive branch of government to be taken as an indication that they would not have liked to come had they been able to arrange it. The attorney general's department of the Province of Ontario expressed their regrets they could not make available a witness in the time at their disposal.

I thought perhaps at first I might make a few general remarks regarding the similarity of the problem as it appears to exist in our two countries.

But before I do so, there is one other introductory remark I would like to make, and that is as to my own position. I think in fairness it should be stated that I am not a member of the Government of Canada; nor, as a matter of fact, am I a member of the majority party.

I am a member of the opposition party. Therefore, I think I should say that nothing I say should be taken as necessarily indicating the views of the Government of Canada.

I will try, however, to the best of my ability, to summarize what I think to be the views of the Government of Canada with respect to this matter.

When I come to subjects or aspects of it in which I feel that it is not safe to indicate that this might be the general view, I shall try to remember to indicate to you that this is my own personal view. But in everything I say I think I should make it clear I am not here in a position to speak for the Government of Canada, but simply as an individual member of Parliament interested in this problem.

I think it goes probably without saying that we, our two countries, find themselves very much in the same situation with respect to this problem of crime comics and their influence on the matter of juvenile delinquency. Our two civilizations, our standards of living, our method of life, are very similar. Our reading habits are by and large similar to yours. Indeed, speaking generally, probably the majority of the reading material in the form of publications, that is, periodicals as distinguished from daily newspapers, have their origin here.

With respect to crime comics, I don't wish to be taken as saying that it is by any means one-way stream of traffic, because I understand some of those published in Canada find their way here and present you with a problem, but I think by and large with respect to the movement across the border of crime comics that is one thing where the balance of trade is somewhat in your favor.

Those features indicate that the problem is similar in both countries.

The CHAIRMAN. It would be safe to say that the balance of trade is largely in our favor in this case, would it not?

Mr. FULTON. That is my impression. You will appreciate that as much as we have enacted legislation which makes it a criminal offense

to publish or sell a crime comic, there are not official statistics available as to the volume of these things published in Canada or sold in Canada because it is obvious that people trafficking in an illegal matter are not called upon and if they were, would not furnish the statistics they might be asked for.

We have in Canada examples which we feel indicated pretty clearly that crime comics were of similar nature to those circulating here have an adverse effect upon the thinking and in many cases on the actions of young boys and girls. I am not going to weary your committee with a complete catalog of cases. You probably have had many similar cases referred to you here, but there stands out in my mind particular a case which arose in Dawson Creek in the Yukon territory. One might have thought that that rather remote part of that country might be as insulated as any place might be against crime comics, but there was a case there in which one James M. Watson was murdered by two boys, ages 11 and 13.

At the trial evidence was submitted to show that the boys' minds were saturated with comic book reading. One boy admitted to the judge that he had read as many as 50 books a week, the other boy, 30.

The conclusion which the court came to after careful consideration of the evidence was that the exposure of these children to crime comics had had a definite bearing on the murder. There was no other explanation why the boys should have shot and killed the man driving past in his car. They probably didn't intend to kill him. They were imitating what they had seen portrayed day after day in crime comics to which they were exposed.

The other one is a case of more recent occurrence, reported in a local newspaper on March 11 of this year. I would like to read you the newspaper report. It originated at Westville, Nova Scotia:

Stewart Wright, 14, Wednesday told a coroner's jury how he shot his pal to death March 2, while they listened to a shooting radio program and read comic books about the Two-Gun Kid. The jury returned a verdict of accidental death and recommended that comic books of the type found at the scene be banned.

That, you appreciate, Mr. Chairman, is a case that occurred since the passage of our legislation, which indicates that we have not yet found the complete answer to this problem.

I would like everything I say be taken subject to that understanding. I am not suggesting that the legislation we have passed is the complete answer.

I do suggest that it is a beginning in the effort to deal with this problem.

If we had the same general situation prevailing in Canada as you have in the United States, that is, a widespread body of opinion to the effect that this type of literature has a harmful influence on the minds of the young, we also had a similar conflict of opinions to that which I understand exists here. The publishers, particularly those engaged in the trade dealing with crime comics and other periodicals and magazines, as I think might be expected, were found on the whole to be on the side which held that these things were not a harmful influence on the minds of children.

I think that the explanation for that, sir, is readily available. They have an interest in the continuation of this stream of traffic. I am not saying, I don't wish to suggest, that they are all acting from improper motives. I am suggesting really that there is an obvious

explanation as to why the majority of those concerned in the trade should be found on the one side, that is, on the side which says that these are not harmful.

I also have to confess that many experts and impartial experts in the field of psychiatry were found on the side of those who held that crime comics and similar publications were not harmful to children, but merely provided a useful outlet for what they called their natural violent instincts and tendencies.

Those generally were on the one side and as against them there were by and large all the community organizations, the parent-teacher associations, the federations of home and school, and similar organizations of a general community nature and those more particularly dealing with welfare work.

I would like to take this opportunity of paying here my tribute to the work that many of those organizations in Canada in arousing our people to an awareness of the problem, even if they didn't suggest in producing, as I say, a unanimous opinion as to how it should be dealt with. I say that because I believe that similar organizations here are assisting in that work.

Also on the side of those who came to the conclusion that these things were a harmful influence were the majority of our law-enforcement organizations. I think particularly of our own Federal Department of Justice where back in 1947 and 1948 when the matter was first discussed in Parliament in a concrete form, the Minister himself, speaking for the Government, expressed the view that these crime comics, of which he had been provided with samples, could have no other effect than a harmful one on the minds of young boys and girls.

That was even before we had taken any positive action to deal with the problem.

I also would like to pay my tribute to a noted expert in your own country, and, indeed, in your own city of New York, Dr. Frederic Wertham. I have read extensively from Dr. Wertham's articles and, of course, I read with great interest his latest book, *Seduction of the Innocent*. I have had considerable correspondence with Dr. Wertham and I think it is fair and accurate to say that insofar as I, myself, made any contribution to this matter and to the enactment of our legislation that I used and found Dr. Wertham's opinions, his quotations, of great assistance and I found they were generally accepted as authoritative in our country in a discussion of this matter.

I am not again saying that opinion was unanimous, but I think it is fair to say that Dr. Wertham's views were given great weight in our country.

The CHAIRMAN. Mr. Fulton, I might interrupt you at this point and, for the record, state that I received this morning upon my arrival here a communication from Dr. Wertham that was hand-delivered and that that communication will be made a part of the subcommittee files.

If at the conclusion of your testimony you would like to examine that letter, you may have that privilege.

Mr. FULTON. I shall be very much obliged, sir. I am looking forward, I might say, to meeting Dr. Wertham later on today.

That that survey of the general field in Canada, I would like to come to a more particular examination of the background of the present Canadian legislation.

We have had for many years—I see I am getting a little ahead of myself. There is another matter which I think I should mention, Mr. Chairman, to give you the full background picture and that is the constitutional position.

Here, I should say that although I am chairman of our own party organization, that is our own caucus committee of the Canadian Parliament dealing with matters having to do with law and law enforcement, I don't wish to pose as an expert lawyer.

The CHAIRMAN. That would compare to our Judiciary Committee, would it not?

Mr. FULTON. Yes, except that this is a committee into which our own party has organized, an opposition party, for the purpose of examining any legislation introduced by the Government having a bearing on those matters. It is because of my interest in that subject, and, to some extent, of my position in my own party, that I have been a spokesman on this matter. I mention that merely to make my position clear. I don't want to be taken as an expert.

I do now want to turn to a consideration of the constitutional position in Canada. I think I stated it correctly but I do so to some extent as an amateur. I mention it because there may be some difference in the constitutional position as between our two countries, particularly when it comes to the subject of law enforcement.

In Canada, broadly speaking, under our Constitution, which is the British-North America Act, all general criminal matters are reserved exclusively to the Federal Parliament, whereas on the other hand, all matters of local law enforcement are left exclusively to the jurisdiction of the provincial government.

When it comes to enacting criminal law, the Federal Parliament alone can act.

When it comes to enforcing that law the responsibility and the authority rests exclusively with the province. No province could enact as part of the criminal law any provision having exclusively application to its own territory.

On the other hand, everything enacted in the realm of general criminal law by the Federal Parliament is equally applicable all across the country.

As to the background of the legislation that we have, there has existed under the criminal code of Canada, which is a statute covering matters of general criminal law, for many years a section dealing with the general problem of literature, obscene literature, indecent objects, indecent exhibitions, and so on. That is found in section 207 of our criminal code.

And I should point out I have here with me a bill which has just this year been passed by the House of Commons, bill 7, which is an act entitled "An Act Respecting the Criminal Law." That is a general revision and recodification of the criminal code for the purpose of consolidating in one fresh statute the original statute, plus all the amending acts which have been passed over a period of some 50 years, since the last general revision. There are only, in a few cases, changes in principle.

Section 207, as it exists in the code now, is reenacted and will be found as section 150 in the bill, which is in the possession of your counsel. This bill has not yet become law because it has not yet passed our Senate, but it is my impression there will not be any changes in the present provisions of section 150 as passed by the House of Commons.

Section 150 incorporates section 207 of the old code, but until 1949 section 207 contained no reference to crime comics as such.

It was concerned exclusively with the matter of obscene objects, or obscure literature, indecent exhibitions, and so on.

I think it was after the last war—this is our experience at any rate—that the problem of crime comics as such came into existence. It seems to me by and large a postwar development. I am not saying it didn't exist before, but on the scale we now have it seems to be a postwar development which is probably the reason why our criminal law didn't refer to it before.

As a result of the emergency of the crime comics and the factors which I have reviewed already as to the public opinion which grew up about it, there was evidenced a considerable demand that something should be done to deal with this problem created by the crime comic. There was a campaign originated by such organizations as I have already mentioned, the Canadian Federation of Home and Schools, various service clubs organized themselves on a nationwide basis, put on a campaign pressing for some effective action to deal with the problem of crime comics and obscene literature generally.

Parent-teachers' associations joined in this effort. There was in addition considerable work done on it in our House of Commons.

I have already mentioned that in 1947 and 1948, when the matter was drawn to the attention of the Minister of Justice he expressed himself as holding the opinion that it was desirable to do something, although he said up to that time they had not yet been able to figure out any effective measures.

In the course of the discussion as to what should be done, the usual problem arose, and that was to reconcile the conflicting desires to have on the one hand freedom of action, freedom of choice, and on the other hand to prevent the abuse of that very freedom.

The problem is, are you going to have complete freedom of action, or are you going to have a measure of control.

The measure of control, it was generally agreed, divided itself into two alternatives: One, direct censorship; the other, legislative action, legislative action which would lay down the general standards and leave it to the courts to enforce rather than by direct censorship imposed from above by any governmental body.

Just as background, I might say that in Canada there exists no federal censorship as such. There is only in one Province that I am aware of any extensive censorship of literature, and that is in the Province of Quebec.

The majority of our Provinces, if not nearly all, have a form of censorship of movies under the authority of the provincial government. But by and large I think it would be fair to say that the majority opinion in Canada is opposed to the idea of censorship of literature.

I am not saying that that feeling is unanimous, but that seemed to be the feeling that if possible we should avoid bringing in direct

censorship. That was my feeling with regard to the matter, not only my individual feeling, but it was my impression of the stated public opinion and, therefore, I felt if we were to get anywhere with it the approach should be by way of legislation to amend the criminal law so as to create an offense on the basis that society regards the continued publication of this material as a danger to society itself, and that society, therefore, through its instrument, its elected representatives, taking cognizance of the problem, is entitled to decide whether it is of sufficient seriousness and danger that the problem is to be dealt with in the usual way under our principle of justice by the elected representatives defining the problem constituting the offense, providing the penalty, and then leaving it to the individual who knows the law, knows what is there, to decide whether he wishes to run the risk, if you like, of continuing in that course of action with the knowledge if he does he may expose himself to the penalty.

In other words, to some extent you might say it is the process of imposing on the individual the obligation of self-censorship instead of imposing it on him by direction from above.

So that was the course that was followed in Canada.

I should perhaps mention one other feature which we have. That is a measure of control at the customs points. I don't know whether you have it, or not. I don't want to go into this in any great detail because I know you have a busy session before you. I will try to summarize it.

In our customs law, and under the tariff items which are approved by Parliament to apply that law there is an item 1201, tariff item 1201, which reads as follows:

It prohibits the entry into Canada of books, printed paper, drawings, prints, photographs, or representations of any kind of a treasonable or seditious or immoral or indecent character, on the grounds that our criminal code makes those an offense in the country; therefore, we are not going to permit them to come into the country while it is an offense under our law.

That tariff item has not been amended with respect to crime comics, but, by and large, I am informed that the officers of the border points, if they are of the opinion that a particular comic magazine would be an offense under the new revision in the criminal code, they will exercise their own discretion in prohibiting its entry, or, if they are in doubt, they will refer it to the department at Ottawa for a ruling as to whether it is admissible or not.

Mr. BEASER. Are the crime comics which go into your country printed in this country, or are the plates sent to Canada for printing?

Mr. FULTON. I am informed it is done in both ways. In some cases the finished article is imported. In other cases the plates are sent over and they are printed in Canada.

Mr. BEASER. You do not know which method predominates, do you?

Mr. FULTON. My impression is that the finished article predominates. Perhaps we could go into that a little more fully later. There is a real problem confronting the customs officials in that we have not had yet very much jurisprudence built up. There have not been many actions in our courts under the new sections with regard to crime comics and the customs officials are loath to set themselves up as censors. They have no hesitation if a particular subject or article has been declared offensive by a court decision in prohibiting its entry, but they find themselves under great difficulty when it comes to saying as

to whether or not an article, which has never been the subject of any judicial process, is in fact prohibited under our criminal law.

That is one difficulty.

The other is that the volume of these things moving across the border makes it difficult for them to enforce their own regulations 100 percent, and I think it would be fair to say that customs officers exist mainly for the purpose of collecting duties, customs, and excises, and not for the purpose of indulging in any form of quasi-censoring of literature.

It is an obligation under the tariff item which they willingly undertake, but it is not their main task.

Senator HENNINGS. It may be of interest, perhaps Mr. Fulton is very well aware of this, but Assemblyman James A. Fitzpatrick told me during the recess today that many people come over the border from Canada to Plattsburg, N. Y., which happens to be his home, for the purpose of procuring some of the American published comic or horror books and that they take them back across the border, smuggling them or bootlegging them across, as it were.

Mr. FULTON. That may be so, Senator. The only comment I could make on that is that I regret to say that these things circulate with sufficient freedom in Canada that I am surprised that they find it necessary to come down here for that.

Senator HENNINGS. Like carrying coals to Newcastle.

Mr. FULTON. I think it must be a very incidental purpose of their visit. I am not in any way questioning that it does take place.

What I want to avoid is giving the impression of saying that we have dealt with this effectively in Canada and it is only you that have the problem.

My attitude toward it is that it is still a mutual problem although we have made a beginning.

Senator HENNINGS. You are certainly eminently fair, and I am sure want to be very careful in having made that statement not to cause any misunderstanding on that point.

Thank you, sir.

Mr. FULTON. That, then, in brief, is the background of the situation with respect to the nature of the problem and the actual legislation, or lack of it, up to 1949.

In the fall session of our Parliament in 1949, I introduced a bill, of which I regret I have no longer copies left in my file. There is only one copy left in the file of the Department of Justice. There are plenty of copies of the statute in the annual volume of statutes, but of the bill itself, an individual bill, there is only one copy left readily available. So I had our Department of Justice prepare typewritten facsimiles of the bill as introduced.

I shall be glad to give them to your counsel or your clerk for filing at the end of my presentation. This is as best as can be done, a reproduction of the bill with the front page. This was the inside page, explanatory notes and the back page was blank. It was a short bill. It was introduced by way of an amendment to section 207 of the code.

I think it is short enough that I can read it to you and you can understand then our approach to the problem of trying to find the method of dealing with this subject.

I won't read the introductory words, except as follows:

BILL 10

AN ACT To amend the Criminal Code (Portrayal of Crimes)

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Subsection 1 of section 207 of the Criminal Code, chapter 36 of the Revised Statutes of Canada, 1927, is amended by adding thereto the following:

"(d) prints, publishes, sells, or distributes any magazine, periodical, or book which exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious, thereby tending or likely to induce or influence youthful persons to violate the law or to corrupt the morals of such persons."

Section 207 in its introductory sections provided that:

Every person shall be guilty of an offense who
and then the introductory sections (a), (b), (c), cover obscene literature, obscene exhibitions and I was adding section (d) to make it a violation to print, sell, distribute a crime comic as a crime.

I would like to read an explanatory note which was submitted at the same time and forms part of the printed material with the bill:

This act is designed to amend the Criminal Code to cover the case of those magazines and periodicals commonly called crime comics, the publication of which is presently legal, but which it is widely felt tend to the lowering of morals and to induce the commission of crimes by juveniles.

The purpose is to deal with these publications not by imposing a direct censorship or by blanket prohibition, but rather by providing in general terms that the publication and distribution as defined in the act shall be illegal and thus leaving it for decision by the court and/or jury, in accordance with the normal principles prevailing at a criminal trial to determine whether or not the publication in question falls within the definition.

That bill was introduced as a private member's bill and given first reading on September 28, 1949. In the debate which followed, after I had outlined my argument in support of the legislation, the Minister of Justice, speaking for the Government, stated that the Government was anxious to take effective action to deal with this problem, they welcomed the introduction of the bill.

However, it raised certain questions with respect to enforcement and, therefore, they asked if it might be stood for the time being while they communicated its contents to the provincial attorneys general to get the benefit of their views as to whether it was necessary; if so, whether it was enforceable in its present suggested form, or whether they themselves would like to see some amendments to make it more workable.

That was done. As a result of the views and opinions offered by provincial attorneys general when the debate was brought on again in committee the bill as introduced was quite extensively amended and in effect given the form of a complete revision and reenactment of the whole of section 207.

In other words, instead of just adding a new clause they incorporated the suggestion into the clause and made it a more workable whole.

It had one more effect which I would like to mention. The amendment to the bill, in that under section 207 in its previous form it was a defense to anyone accused of committing the crime of printing or publishing any obscene literature or crime comic after the amend-

ment carried. It was a defense to the accused person to show that he did not have any knowledge of the indecent content or nature of the publication complained of.

It was felt, particularly with respect to crime comics—you say the specimens on the board this morning—that it would be really pretty ridiculous for anyone to try to plead “Well, I don’t know the nature of this thing.” The nature is self-evident. It was felt by the attorneys general if we were going to make this section effective not only with respect to crime comics, but with respect to offensive literature generally, really this defense of lack of knowledge of the contents of the articles complained of should be removed.

It would still be the onus on the Crown to prove intent in the general sense of that onus under the criminal law.

Senator HENNINGS. May I ask Mr. Fulton one question? You may have suggested this earlier in your statement.

Does this relate to the publisher, the distributor, and the news-dealer?

Mr. FULTON. Yes, sir; it includes the whole field.

Senator HENNINGS. I take it it is announced in the statute in the subjunctive; is that correct?

Mr. FULTON. Yes.

Senator HENNINGS. They may be joined, in other words, they may be coindictees, they may be individually indicted?

Mr. FULTON. Or they may be proceeded against separately. One may be proceeded against without the other.

I shall have something to say on that a little later. That is an interesting legal point. I mean with respect to the matter of dealing more effectively with the publisher.

I should like, if time permits and you think it important, to say something on that later. But that defense was removed as a result of this amendment.

I have also a facsimile copy of the bill as it was amended in committee as a result of the Government’s own suggestions. I shall be glad to file that.

Mr. BEASER. Mr. Fulton, am I wrong in believing that the bill as finally passed was different than the one you introduced in that it made it an offense to print, circulate, and so forth, a crime comic to anyone; whereas, as you read your original bill I got the impression it was aimed at distribution which had as its purpose the influencing of youthful people; is that right?

Mr. FULTON. You are correct. In my initial draft of the bill as first moved the words “thereby tending or likely to induce or influence youthful persons to violate the law or to corrupt the morals of such persons” was included.

Mr. BEASER. Was that for enforcement purposes?

Mr. FULTON. I think so on the basis that the nature of these things and their tendency is self-evident.

Senator HENNINGS. That becomes a jury question.

Mr. FULTON. No; those words are not included in section 207 at the present time. The crime comic as defined in the bill, bill 10, as it eventually passed, was defended as follows:

(7) In this section “crime comic” means a magazine, periodical or book that exclusively or substantially comprises matter depicting pictorially (a) the commission of crimes, real or fictitious—

Now, sir, the only defense as such which is open to an accused under our law, under this bill, is the following:

No one shall be convicted of any offense in this section mentioned if he proves that the public good was served by the acts that are alleged to have been done and that there was no excess in the acts alleged beyond what the public good required.

If he can prove to the satisfaction of a judge or magistrate or judge and jury that the crime comic in fact served the public good, then there is no conviction.

Senator HENNINGS. That is somewhat then in parallel to your English libel law that you require not only that as defense one need establish not only truth as in the United States, but that it be for the public benefit.

Mr. FULTON. I think that, sir, is in the realm of criminal liability only.

Senator HENNINGS. I meant criminal liability, of course.

Mr. FULTON. Yes.

Senator HENNINGS. It must be for the public benefit under the British law, is it not?

Mr. FULTON. I think it might be going perhaps a little beyond, but it must not go too far beyond. There must be some public interest to be served, yes. I think that would be a fair statement.

Now, when the bill came back in its amended form, as I have indicated it in the summary here, it passed the House unanimously. The House of Commons adopted it without any dissenting vote.

It then went to our Senate and there by that time the periodical publisher or some of those engaged in the trade—I shall put it that way—perhaps had only just awakened to what was going on; maybe they thought it would never pass the House of Commons.

What the reason was, I don't know, but at any rate, they made no representation to the House. They didn't ask for its reference to a committee. It goes through the Committee of the Whole House, but they didn't ask for reference to a special committee on the bill and they made no formal presentation.

Then it got to the Senate, having passed the House; they asked to be allowed to appear and make representations. So the Senate referred it to one of its standing committees.

There the publishers appeared and they made representations which took the form of some of the submissions which I have read in the newspaper comment, at any rate on your own proceedings from time to time down here, namely, that these things were not harmful to juveniles; in fact, to some extent they formed a harmless outlet for their natural violent instincts.

Senator HENNINGS. I take it, sir, in defining crime you mean felony. That is in section 7, "crime comic" means a periodical or book that exclusively or substantially comprises matter depicting pictorially the commission of crimes.

Mr. FULTON. There is another amendment I was going to come to, Senator, but I will be glad to deal with that point now.

Senator HENNINGS. I do not mean to distract and divert you.

Mr. FULTON. You are concerned with the definition given to the word "crime"?

Senator HENNINGS. Yes, sir; whether you mean felony, misdemeanor; what classification of crime, if any?

Mr. FULTON. I don't think that point has come before our courts.

Senator HENNINGS. For example, if an embezzlement is depicted in a crime comic, a bank teller, let us say, taking money from his employer, or involuntary manslaughter, would, in your judgment, that sort of thing depicted in a comic book constitute a crime within the meaning and purview of your statute?

Mr. FULTON. I would not care to express an opinion on that. I think that would be a matter of individual interpretation by the courts. To my knowledge the point has not arisen.

I think it may be a very important point. I would have to say this, that in my mind in drafting and submitting the original legislation I had in contemplation the crime of violence, what you might call the crime of violence, but taking it over to amend it and amending it, the Government deleted the reference to that type of definition and I had no objection whatever. They had consulted with the law-enforcement officers and the law-enforcement officers felt that a too narrow definition might create obstacles which might create difficulties in the way of its enforcement and no substantial representations against the broadening of the definition were made and so it went through in that form.

I would not care at the moment to express an opinion as to whether the court, looking at it, would say, "Well, the intention of the legislature was to confine it to crimes of violence," or not.

Senator HENNINGS. We would have a most interesting situation, would we not, bearing in mind that the crime of carrying a concealed weapon is a felony in most of our States, having portrayed in a comic a representation indicating that someone was carrying a concealed weapon by verbiage, but the weapon could not be seen.

That would still be carrying it along the line. I certainly do not want to be frivolous or to attempt to make light of part of it but to attempt to present the difficulty this field presents.

Mr. FULTON. I would express this purely as an offhand opinion, that the wording of the statute is wide enough to cover anything which is made a crime by our criminal code. Anything covered in there whether fraud or embezzlement is covered in the criminal code then on the face of it an illustration of a crime of that nature is included in section 207.

It might be an interesting point for defense counsel to raise that as defense the section didn't contemplate that type of crime. Then the court would have to decide what was the intent of the legislature as gathered from the words they used.

So far that point has not come before our courts.

I was mentioning that when it came before our Senate it was referred to a standing committee and the representatives of the trade appeared and made representations against the bill.

Dr. Wertham has an interesting passage in his book in which he records it as having been the opinion expressed that they appeared to be making progress until they made the mistake of producing to the Senators some examples of their wares, that when that was done their case was out of court.

I can't read the minds of our Senators. All I know is that in the result the standing committee reported the bill back to the Senate without amendment and it passed the Senate as a whole by a vote of 92 to 4.

Having passed the senate, it then passed both Houses of our Parliament and was proclaimed and became law.

Now, our subsequent experience has been somewhat as follows—and here I must say I am speaking on the basis of opinion for the reason, as I have said, statistics on this matter are hard to obtain—but it is my impression, and I know this view is shared by the majority of those interested in the problem, the crime comic as such pretty well disappeared from the Canadian newsstands within a year or so following the enactment of this legislation.

But within about the same period of time alternative forms of comic magazines began to appear. Speaking in general terms, these took the form initially of an increase in the number of love and sex and girlie comics which began to hit the newsstands. And that as an interesting comment gave rise to a separate study launched by our Senate on the subject. They set up a committee to look into the sale and distribution of, I think the word they used was salacious literature.

One of the reasons why the demand for that rose so rapidly was the rapid increase in the circulation of that type of pulp magazine following the virtual disappearance of the crime comic.

I mention that merely as an interesting aside.

Then there crept back into circulation in Canada the crime comic again in its original form, but it also began to appear in other alternative forms and there the alternative form I have in mind is what I think you have described generally as the horror comic. I would venture the opinion that the reason the crime comic to a lesser extent and the horror comic to a greater extent reappeared and began to appear respectively, was in part because of the lack of prosecution of any publisher or printer or vendor under the new crime comic section. There were no prosecutions until about a year ago. And partly perhaps due to the fact that the public and myself and other similar interested persons included may have felt, now we have done our job, we can sit back and relax, with the result that there wasn't the same vigilant supervision of the newsstands to pick out offensive publications, bring them to the attention of the authorities and demand prosecution.

Whatever the reasons, anyway, the crime comic in its original form began to reappear and the horror comic in a much exhilarated form—I mean it is now circulating to an extent even greater than the present circulation of the crime comic and it is in Canada at any rate relatively newer in form and appearance. It has made its appearance later than crime comics. I think it would be fair to say it made its appearance only after the enactment of legislation in 1949.

But I have to express it again as my personal opinion that even the horror comic was in fact adequately covered by the legislation which we had enacted in 1949 because that legislation refers by definition to the commission of crimes, real or fictitious.

Now, again, it might be an interesting legal point as to whether the courts would say that a fictitious crime means merely a crime committed by a human being, the crime had not taken place in fact, whether they would confine it to that or whether it would be broad enough to cover the case of a crime committed by these fantastic beings, ghouls of the swamp and the Batman, those creatures that can

have no existence in reality, but, nevertheless, commit what, if committed by a human being, would be crime.

It is interesting to speculate whether the words "crime, real or fictitious" would apply.

Senator HENNINGS. That would apply perhaps to a crime committed by Mickey Mouse, for example, a more innocuous kind of comic character.

Mr. FULTON. Yes, sir. Again it is a question, of course, whether the courts interpret the intent of the legislature as gathered from the words of the statute.

Mr. BEASER. Assuming you are able to find out how the American crime comics are getting into Canada, are you able under your statute to proceed against the publisher or distributor?

Mr. FULTON. In the United States?

Mr. BEASER. Yes.

Mr. FULTON. No. He is beyond our reach. His crime is not committed in Canada, you see. Unless he were to come and surrender himself voluntarily to the jurisdiction of our courts, I don't think there is any way; I don't think extradition proceedings would lie.

My understanding is that unless he came to Canada and committed the crime and came back here we could not use extradition proceedings.

Mr. BEASER. The question is whether under the Canadian statute Canada is able to proceed against an American publisher who publishes in this country crime and horror comics which then get into Canada, or whether they can proceed against a distributor who sends them into Canada.

Mr. FULTON. I think the first.

Senator HENNINGS. They would have no jurisdiction in the matter in the first place.

Mr. FULTON. Unless he submitted himself voluntarily to the jurisdiction of our courts, which I can't see him doing.

Senator HENNINGS. You would have no venue then?

Mr. FULTON. I think if he voluntarily submitted himself to jurisdiction we would. I think the execution of the sentence might, of course, present some interesting problems, but in effect I don't think it arises. In effect my opinion is—and I take it Senator Hennings concurs—that the first person we can deal with is the man who first imports it in Canada and there is no suggestion that we should proceed against the American publisher.

If we deal with the man who brings it in we are dealing effectively with it from our point of view. What is done here is a matter entirely for your own determination.

Mr. BEASER. Are you able to get the distributor; is it known or—

Mr. FULTON. It can be ascertained. I have to say with regret, in my view we are not proceeding sufficiently vigorously in our own country against the distributors, against the man who first puts this offensive material into circulation.

I would like to deal with that at greater length a little later.

I think that is one defect not only in our laws which exist, but in the enforcement of our law.

Now, I just was mentioning that these things have reappeared, although I think again it would be fair to say they don't circulate to the same extent as they did previous to the enactment of the legis-

lation, but they circulate or have been circulating recently to an extent sufficient to give rise to genuine concern.

Then I would like to say a word in consequence of that about the courts and enforcement. I have expressed, I think, already the opinion that our legislation is adequate.

I would say, I think, by that opinion, unless the case comes before the courts in which the prosecution is dismissed then we would know whether or not the law was adequate, but I can see no reason why it should not cover it so I would like to discuss the problems of the courts and enforcement.

I think that first one should state what is probably a general proposition applicable equally in both our countries, that, generally speaking, one of the reasons for what I have called lack of vigorous enforcement may be the inherent dislike of taking measures which appear to be repressive with respect to the written word, with respect to literature.

Our law-enforcement authorities are reluctant, and I think properly reluctant, to launch prosecution against those in the printing and publishing business and in the distribution of literature. It is a reluctance which I think must and should be overcome where the case warrants it, but I used the words "I think it is a proper reluctance" and it is one which I think we must take into account.

In any event, there have been very few prosecutions in Canada, although this material is circulating in certainly greater quantity than I would like to see.

I would like then to refer to one or two specific cases which came before our courts. You will appreciate from your reading of the section as lawyers that there are two alternative methods of proceeding. One is by indictment in which case it comes up before a court with a judge.

The other is by what we call summary procedure or on summary conviction, which means it comes up before a magistrate.

The principle, of course, applicable in both courts are exactly the same as to proof and so on, but the powers of the respective courts with respect to imposition of penalties are quite different. The penalty which the higher court can impose on the more formal indictment procedure is much larger than that which can be imposed by a magistrate on a summary conviction.

The first case I should like to mention came up before a magistrate in the Province of Alberta. Being in a magistrate court, it is not a reported case, but it was the case which gave us the greatest concern because the facts as I understand them were something like this: That the magazine or crime comic complained of illustrated everything right up to the actual moment of the delivery of the death blow, omitted that, and then continued with all the gruesome details immediately following that. That was the presentation at any rate as I understand it, given by the defending attorney.

The legislation refers to the commission of crimes. This does not illustrate the actual commission of the crime and, therefore, the accused is not guilty.

The magistrate dismissed the case on that ground. That looked as though we would have to amend our legislation if we wished it to be effective because you will appreciate so far as the juveniles are concerned if you are going to say everything which falls short of

the actual commission of the crime at the moment of death, shall I say, that everything of that sort is all right, then you haven't really got an effective act from the point of view of what we want to accomplish.

So reconsideration was immediately given to introducing the necessary amendment. That has been done. There is a slight modification in bill 7 in the proposed section 150 over and above what there was in bill 10, which I shall come to, but even before we in the House of Commons enacted bill 7, there was another case, *Regina v. Rohr*.

As you know, in our country all criminal prosecutions are brought in the name of the Queen, or whoever happens to be wearing the Crown at the time being, be it the King or the Queen. *Regina v. Rohr*, a Manitoba case, in which the same defense was raised before the magistrate. The magistrate, however, convicted in this case.

So as a test case it was appealed to the Court of Appeals of the Province of Manitoba. The appeal court stated, after looking at the words of the statute, they were clearly of the opinion that the intent of the legislature as clearly to be gathered from those words, was to cover all these incidental arrangements for and consequence of the crime and that, therefore, the prosecution was properly launched.

I am not going to weary you with it here, but if any member of your committee might be interested in the discussion of the effect of that decision, it may be found in the Canadian Bar review for December 1953 at page 1164, where the case and its implications are discussed by the Deputy Attorney General for British Columbia, Mr. Eric Peppler.

That decision seemed to dispose of the fears which we had that the whole statute might be rendered ineffective, but nevertheless there was this amendment which had been contemplated which was still carried forward for the sake of greater certainty.

It is not a very important or far-reaching amendment, but I think it does substantiate my point that these words are now sufficient to cover even the horror comic because the definition of crime comic as it previously appeared in section 207 was in this form:

Crime comic means in this section any magazine, periodical, or book which exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious.

Now, it reads in this section:

Crime comic means a magazine, periodical, or book that exclusively or substantially comprises matter depicting pictorially:

A. The commission of crimes, real or fictitious, or

B. Events connected with the commission of crimes, real or fictitious, whether occurring before or after the commission of a crime.

MR. BEASER. You would say, Mr. Fulton, that the statute itself seems to be sufficient. The difficulty lies in the enforcement?

MR. FULTON. In the enforcement; that is my point.

MR. BEASER. You think if there were effective enforcement the problem that Canada faces with respect to crime and horror comics would no longer be there?

MR. FULTON. I don't suppose it will ever disappear entirely, but it would be effectively dealt with; yes.

To conclude in a very few words, I would like to say a word or two with regard to our present experience. Our present experience is, it must be confessed, that printers and publishers still defy the laws because comics are still on our stands, whether publishers in the sense of those who actually print them in Canada, or in the sense of those who put them into circulation after they are imported from your country.

That is the view I know of our Government, that the law is there; what is necessary now is vigorous and complete enforcement.

I did suggest in a recent debate, and it is still my view, that there should be a differentiation in the penalty so that a stiffer penalty would be provided for those who, as I see it, carry the greater responsibility for putting this offensive material into circulation, what you might call gently at the printer and publisher level; that there should be a stiffer minimum penalty, one that he will really feel, one which will not be, and what so often they are, merely license fees to continue in business.

Mr. BEASER. However, if the majority of these crimes and horror comics are coming in from the United States, that sort of stiffening of penalty would not be effective, would it?

Mr. FULTON. I think it could be made effective because I am convinced an adequate definition could be worked out to cover the case of the initial distributor.

Mr. BEASER. The initial distributor would be included?

Mr. FULTON. Yes. I don't suggest for a moment you can absolve from responsibility the individual news vendor or the retail distributor. I do think they carry a very much lesser degree of responsibility for this thing than the others.

I think, therefore, there should be a lesser penalty for them, that the penalty should be in the discretion of the court and in our jurisdiction it runs an average of anywhere from \$5 to \$50 for the individual vendor, but I feel there should be heavy penalties for those higher up in the scale.

And that until, in fact, my view in conclusion really is that until you take effective action to deal with those who first put these things into circulation you are not going to deal with the problem.

As I have said, I do not for a moment suggest that the individual vendor and retail distributor can be absolved from responsibility. He is a very minor factor in the chain of responsibility.

I would like to see and have in fact suggested that our own code be amended to make that differentiation, but that suggestion was not accepted by the House of Commons and by the Government.

So that remains at the moment my own opinion and that of certain of my colleagues in the House.

There are a couple of cases I would like to mention, just to finish. There is one case in Canada where a publisher has been prosecuted, the Queen against the Peer Publisher, Ltd., of Toronto, and William Zimmerman, who is the man who is the principal of that firm, resulted in conviction and fine of a \$1,000 and costs against the company and suspended sentence for Zimmerman. No notice of appeal has yet been served.

That was a conviction again by way of summary procedure by magistrate which may account for the relatively low fine.

There was another case against Kitchener News Co., Ltd., distributor, again in the magistrate court. They were fined \$25. They appealed.

The appeals court quashed the conviction on technical ground that the indictment was incorrectly drawn. The attorney general informs me that he is proceeding with a new trial on a fresh indictment. That is, so far as I have been able to ascertain, the record of court cases dealing with this new law, relatively new law, in Canada.

I believe that the court cases show that the law is workable and effective and the problem is enforcement with, as my personal opinion, a desirability of providing heavier penalty and really effective penalties for those at the top who have the greatest responsibility in the chain of circulation.

One other interesting and encouraging result which has flowed from our legislation is that in a number of cities in Canada, particularly after the last discussion, when the amended criminal code came up before the House and we had extensive and quite interesting debate on that section, as a result of that publicity, at least I think it is partly as a result of that publicity, a number of both wholesale and retail distributors are approaching citizens' committees in some of our cities and saying, "We don't want to break the law in the first place and we certainly don't want to run the risk of prosecution. We would like you to cooperate with us by suggesting to us the offensive titles and if you will do that we would like you to get a representative committee so that it does not just reflect the minority viewpoint. If you will do that we will agree to withdraw those titles from circulation."

I think that springs in some measure from the existence of the legislation.

As I say, I regard it as a quite encouraging indication that this legislation can and will produce beneficial results in Canada, although I am afraid again I must confess that I am not suggesting that it is the complete answer or that it has yet provided a complete elimination of this type of undesirable publication.

That, Mr. Chairman, concludes the statement which I have to make.

I appreciate your having listened to me so patiently. I apologize for having taken rather lengthy time. I am very much interested in this subject.

If I have abused your hospitality by going on too long, that is because of my interest in the subject.

The CHAIRMAN. You have been very helpful and you have made a contribution.

Senator HENNINGS. I, too, want to thank you very much and apologize in turn. I was asked by some representatives of the press to get an exhibit of one of the things that was in evidence this morning. I was engaged in that effort during the latter part of your statement. I shall read with great interest the record.

The CHAIRMAN. I might add it was a very able statement, well presented.

Mr. FULTON. Thank you very much.

The CHAIRMAN. I think that Canada is fortunate in having such an able representative in its Parliament.

Counsel, do you have any questions?

Mr. BEASER. Just one, Mr. Chairman.

As you notice, this morning I have been asking a number of witnesses as to the effect on our country's relationships with other countries of these crime and horror comics.

Would you care to comment on what impression and what effect crime and horror comics in Canada are having on the children's ideas of what the United States of America is like?

Mr. FULTON. I would say that their effect in that regard is not very serious in Canada. We live too close to you not to know that our way of life and yours are very much the same.

It would be my opinion, therefore, that a Canadian child reading this type of magazine would not—reaction on him would not be what dreadful things go on in the United States of America as distinct from what goes on in Canada.

Rather, the undesirability from our point of view certainly is that it portrays these as natural and everyday occurrences.

In other words, our objection to them is not that it portrays the United States as a country, which has lower standard of moral values than our own. It is merely that they portray human society as having an entirely distorted and unreal sense of value and of moral standards.

Besides that, I would make no, I certainly wouldn't express any opinion that they have a derogatory effect on the opinion of our children toward America as such because as I have pointed out, although to a considerable lesser degree, many publications of the same type are published in Canada, a sufficient number to be alarming and disturbing.

Mr. BEASER. I have no further questions, Mr. Chairman.

The CHAIRMAN. It is your considered judgment that this statute has been extremely helpful, it is not?

Mr. FULTON. Yes, it is, Senator, although I must again repeat that I feel it has not been used to the fullest possible extent.

The CHAIRMAN. Senator Hennings?

Senator HENNINGS. I have nothing further, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you again, Mr. Fulton, very much indeed.

Mr. FULTON. Thank you, Mr. Chairman.

Mr. BEASER. Mr. Samuel Black.

The CHAIRMAN. Mr. Black, will you be sworn?

Do you solemnly swear that the evidence you are about to give to this subcommittee of the Committee on the Judiciary of the United States Senate, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BLACK. I do.

The CHAIRMAN. Will you state your name, address, and association, for the record?

TESTIMONY OF SAMUEL BLACK, VICE PRESIDENT, ATLANTIC COAST INDEPENDENT DISTRIBUTORS ASSOCIATION, SPRINGFIELD, MASS.

Mr. BLACK. My name is Samuel Black. I am a wholesaler and I reside at 3 Elwood Drive in Springfield, Mass., and do business at 31 Winter Street, Springfield, Mass.

Mr. BEASER. You are a wholesaler of what?

Mr. BLACK. Wholesaler of newspapers, magazines, books, and periodicals.

Mr. BEASER. You are also a representative of an organization of wholesalers?

Mr. BLACK. Yes, I am a vice president of the Atlantic Coast Independent Distributors Association and chairman of committee 1, which deals with indecent literature.

Mr. BEASER. How many members would that organization have, sir?

Mr. BLACK. We have approximately 270 members in 21 States, and the District of Columbia.

Mr. BEASER. Now, you testified some time ago before what is known as the Gathings committee on the distribution of materials. We are concerned here with crime and horror comics. I was wondering whether you would not want to make a brief statement in relation to that in addition to what we know already from the testimony before the Gathings committee.

Mr. BLACK. We had a meeting of the board of directors of our association here in New York last week. At that time I was instructed to prepare and deliver to this committee a statement which, with your permission, I would like to deliver now, and insert in the record.

The CHAIRMAN. You may have that permission.

Mr. BLACK. This is the statement of the Atlantic Coast Independent Distributors Association on the matter of pornographic and otherwise objectionable reading matter.

The Atlantic Coast Independent Distributors Association appreciates the invitation to participate in the hearings of the subcommittee of the Committee on the Judiciary of the United States Senate to Investigate Juvenile Delinquency, and submits the following statement with the request that it be made part of the record:

1. The Atlantic Coast Independent Distributors Association is a trade association of approximately 270 independent wholesale distributors, located in 21 States in the eastern part of the country, and in the District of Columbia, who are in the recognized, legitimate business of distributing newspapers, periodicals, magazines, and pocket-sized books to retail outlets for sale to the public.

2. There are six other such associations of independent wholesale distributors throughout the country, regional in their membership, all of which have as one of their common objectives the mutual enlightenment of its members, the furtherance of the best interest of the independent publishers, the improvement and standardization of methods and systems, and the development of a closer and more intimate relationship between independent distributors and independent publishers.

3. There are approximately 950 wholesale distributors in the country selling to more than 100,000 retailers and newsstands.

4. There are many hundreds of publishers, both large and small, in many instances doing business under many names and business forms, and in some cases publishing dozens of titles.

5. In general, all the publishers sell their products to the independent wholesale distributor through 16 national distributors, some of which are interlocked with the publishers and others of which are independent sales agencies or outlets for the publications put out by the publishers.

In addition to the 16 national distributors, there is the American News Co., which distributes the publishers' product through its branches located in most of the principal cities of the United States.

6. The wholesale distributor occupies, therefore, a position between the publisher—or the national distributor—and the retailer, including the newsstand proprietor. In addition to the daily newspapers he carries in stock at any one given time thousands of different titles of magazines, periodicals, and pocket-sized books, which may come to him from all 16 national distributors and which in turn have come to the national distributors from the hundreds of publishers.

7. In this connection, it is particularly important to note two things in connection with the wholesale distributor's business:

(a) He is in no way consulted about the editorial or reportorial content of the magazines and books he distributes; he simply is the active source of supply through whom the retailer receives the publisher's product.

Mr. BEASER. Has he any method in selecting what he gets?

Mr. BLACK. He can reject.

Mr. BEASER. And send back, you mean?

Mr. BLACK. He can refuse and send back and reject.

(b) The time element in the handling of the publications is such that, not only is it physically impossible for the wholesale distributor to read the books and magazines before shipment to the retailer, but even of no lesser importance is the fact that he may not be qualified to appraise their content from the standpoint of ethics, morals, or the law.

8. The wholesaler recognizes and admits that some publishers publish and some wholesalers distribute magazines, books, and other reading material which may contain immoral and otherwise offensive matter or place improper emphasis on crime, violence, and corruption and does not deny that this may have an impact upon the mind of the juvenile, adolescent, and impressionable, and that harm may result therefrom.

He is unable to state the degree of this harm and submits that this is a matter of scientific study and examination. He has openly stated and agreed that the industry must take heed of these conditions and that concrete and active steps should be taken within the industry to curb the abuses and eliminate the evils.

9. This association, as well as the other regional associations of independent wholesale distributors, deplores the publication and dissemination of offensive and obscene literature. Having taken actual and realistic cognizance of this problem, it has taken certain steps, both collectively and individually, to curb the issuance and dissemination of reading material deemed objectionable.

Mr. BEASER. How recently were these steps taken?

Mr. BLACK. Right up to the past week. For example:

(a) In the fall of 1951, this association established committee No. 1, so-called, on obscene literature, to deal formally and officially with this problem. This committee has been very active in focusing attention on this problem and alerting the members to doing something about it.

(b) In its conventions and district meetings this problem is No. 1 item on the agenda where, again, the problem is brought forcibly home to the members of the association.

(c) It has circularized bulletins to its members and by word of mouth and personal contact has kept the subject very much alive and urged its members to take an adamant position against the dissemination of any borderline or offensive material.

(d) So-called committee No. 29 of the Bureau of Independent Publishers and Distributors, consisting of the presidents of the 7 regional independent wholesale distributors associations, has met with the publishers involved to discuss individually the matter of offensive reading material and the necessity of taking corrective action at once. This bureau has recently established committee No. 32, which is charged with the responsibility of establishing a code of ethics to cover this problem.

(e) It has urged cooperation on the local level with such local groups as Committee on Indecent Literature, the prosecuting officials, parent-teacher associations, and others.

(f) It has gone on record denouncing the publication and dissemination of this kind of literature and offered its cooperation to a congressional committee, the Gathings committee of the House of Representatives (H. Res. 596, 82d Cong.), and incorporates herein by reference the testimony of its then vice president, Mr. Samuel Black.

(See pp. 34-57 of the hearings.)

(g) The individual wholesaler has been prodded and encouraged to refuse to distribute and return the "objectionable" or "borderline" material to the national distributor or the publisher, assuming the wholesaler catches this type of magazine or book before it reaches the retailer, or, having been distributed to the retailer, to recall it from the retail stands and then return it to the national distributor, once the wholesaler becomes aware of this objectionable material.

Mr. BEASER. Mr. Black, when X crime comic comes in, it comes in in packages to you, in your warehouse?

Mr. BLACK. That is true.

Mr. BEASER. Is it not possible then to just ship all of X magazines back?

Mr. BLACK. It is not only possible, but it is done.

Mr. BEASER. In other words, the only thing that would have to be decided in advance is that you do not want to distribute X magazines?

Mr. BLACK. That is correct.

Mr. BEASER. It does not come in all mixed up as far as you are concerned?

Mr. BLACK. No, sir.

Mr. BEASER. It comes in mixed up as far as the dealer is concerned?

Mr. BLACK. That is true.

Mr. BEASER. So that he has a greater job than you as a wholesaler as far as sorting them and saying that this magazine I want, this I don't want.

Mr. BLACK. By the same token his responsibility is the same as mine. He has to decide whether he wants to handle what I give him, the same as I have to decide what I want to handle what the publisher gives me.

Of course, his responsibility is lessened because I have already made some of the decisions for him.

Mr. BEASER. Your decision, carrying out your decision, it is a little easier in the sense that the magazines are physically together?

Mr. BLACK. Yes.

Mr. BEASER. Or you can even refuse to accept all of X magazines?

Mr. BLACK. That is not necessarily a point here because the dealer in opening his bundle has to place the copies on his stand. He would not place them as a group as he gets them. He must sort them out and more or less put them in various pockets. So in taking his bundle apart he must take this bundle apart and check the various items to see whether or not he is getting the right count and everything else.

Mr. BEASER. But when the bundle comes in to you it is identified in some way as to what the content is?

Mr. BLACK. Yes.

Mr. BEASER. So that without opening up the bundle you can tell what the title is?

Mr. BLACK. That is right. The outside label indicates what is in the bundle.

Mr. BEASER. So it is not a question of bundling it up again; it is a question of shipping it back?

Mr. BLACK. That is right.

It is difficult to estimate how effective this has been and to what proportions this practice has developed, but it is fair to say that the wholesaler has become of recent time increasingly and voluntarily committed to this practice.

10. It reasserts, however, the position, namely, that the responsibility for this objectionable material lies primarily with the publishers who produce it. They cannot escape the charge that they are unaware of what goes into the story, the comic strip, et cetera. They are the very writers and producers who have the firsthand knowledge of the content, title, or the cover of the book. It is on their shoulders that this responsibility lies and it is therefore at this core that the remedy should be.

Certainly, as contrasted with the wholesale distributors or the retailers, the publishers of the material and the 16 national distributors are in a much better position to sort the objectionable from the commendable.

Therefore, it is on the publishers and the 16 national distributors that the onus should fall.

Reference is had to an editorial in the Toronto, Canada, Globe and Mail of March 3, 1954, commenting upon the conviction of three publishers and a wholesale distributor for publishing and distributing objectionable reading material:

With all due respect for the courts, we do not believe Mr. Bryan's [wholesale distributor] conviction was reasonable. What appeared in three crime story magazines was not his responsibility. He could not be expected to have read all the stories and articles in every one of the numerous magazines he distributes, or if he had, to recognize those which were legally offensive. That responsibility, in our view, rested squarely with the people who edited and published them—the people who, quite properly, were heavily fined * * *. The full and final responsibility for material appearing in newspapers, magazines, and books surely belongs with the people who edit and publish them. They have time which the people who distribute them have not, knowledge which those people cannot be expected to have, legal advice which is not available to them.

11. This association is opposed to censorship or legislation which permits of censorship as the answer to the problem.

This is the most drastic of all remedies and should be resorted to when all other cures have been given a trial and failed, for it is in this

area that our traditional cherished concepts of freedom of the press and speech may necessarily be done violence to by such governmental action.

The CHAIRMAN. Mr. Black, the Chair assumes from that statement, that phase of your statement, that you would be opposed, your association would be opposed, to the enactment of a law such as was described here today by the member of Parliament from Canada.

Mr. BLACK. I would say, sir, that any law that would infringe on any individual's freedom must necessarily—

The CHAIRMAN. You heard Mr. Fulton's testimony, did you not?

Mr. BLACK. I did.

The CHAIRMAN. Do you consider from his presentation that the enactment of that law in Canada has weighed heavily against the right of freedom of the press?

Mr. BLACK. I would have to study the law and I would have to have it studied for me; I am not a lawyer, sir. But I would be very fearful of any law that would infringe, as I say, on the basic freedoms of the country.

There is a tendency to expand laws that could be most harmful.

The CHAIRMAN. Thank you.

Proceed.

Mr. BLACK. The Gathings Committee majority report states that:

Censorship definitely is not a practicable or adequate answer to the problems in the field of obscenity.

Mr. Justice Douglas, of the United States Supreme Court, speaking in the case of *Hannigan v. Esquire, Inc.*, said:

But a requirement that literature or art conform to some norm prescribed by an official smacks of an ideology foreign to our system.

12. The entire industry must constantly take steps to clean its own house and continually be alerted to policing itself. While admittedly the independent wholesaler can contribute to some degree to this scheme of things, for the main part it is to the publishers and their immediate outlets, the 16 national distributors, in addition to the American News Co., that the public must look in order to stop at its source the objectional material being issued and sent on its way for reading by the public.

Mr. BEASER. Mr. Black, the wholesaler actually does not see the magazines themselves until after they are off the press. You are the first one who gets the magazine. They come in to you from the printing plant at the order of the distributor, do they not? He does not see it until an advance copy comes to him.

Mr. BLACK. He certainly sees them before the wholesaler.

Mr. BEASER. But he does not see the actual copy. He sees an advance copy. They are mailed to you, or sent to you from the printing plant?

Mr. BLACK. That is true. They are ordered through us by the national distributor, or the publisher from the printing plant.

But the national distributor or publisher certainly sees them.

Mr. BEASER. Do you think it is possible for the 16 distributors to do a more effective job of reading all the stuff that is coming off the press than the two hundred-odd wholesalers or is that not everybody's job?

Mr. BLACK. Isn't it easier to have 16 national distributors police this situation than it is to ask 950 wholesalers or 100,000 retailers if we want to get down to the basic problem, the core of it, if we want to reduce it to the least common denominator?

Mr. BEASER. I am wondering if you would not think that the burden fell all up and down the line rather than just a particular set of individuals.

Mr. BLACK. As I state here, we can contribute to some degree in the scheme of things, but the primary responsibility rests on the publisher and the national distributor.

13. There are already on our statute books, both Federal and State—New Mexico stands alone in failing to have any punitive legislation—which makes it a crime to publish, distribute, mail, or import obscene or objectionable material.

In conclusion it must be admitted that governmental or legislative action, whether on the National, State, or local level, however stringent and severe, will not solve all these problems, just as any self-policing or self-imposed code of ethics will not bring all members into line.

This utopia is not within practical reach. The isolated case of the "bad" book or the "horror comic strip" will be played up in the press and given wide scale publicity, by the pressure groups, and the attention of the public will necessarily be distracted from all the good and value the publishing industry, the distributors and the retailers offer the adult and the juvenile by the informative, educational, recreational, and otherwise much worthwhile reading material it publishes and sells.

Unfortunate as is this fact, and it is a fact, the hope of the industry and of the public must be to cut down measurably on the degree of the obscene and objectionable material which is finding its way into the hands of the public. Where the line must be drawn is, of course, difficult to say.

On this score reference is again had to the statement of Mr. Justice Douglas in the *Esquire* case where he says:

Under our system of government there is an accommodation for the widest variety of tastes and ideas. What is good literature, what has educational value, what is refined public information, what is good art, varies with individuals as it does from one generation to another. * * * The basic values implicit in the requirements of the fourth condition can be served only by uncensored distribution of literature. From the multitude of competing offerings the public will pick and choose. What seems to one to be trash may have for others fleeting or even enduring values.

The point is that governmental action of censorship must not be lightly entertained.

On the other hand, it does not follow that there is any room in the industry for the obscene and objectionable book or periodical or comic strip which may be considered to prey upon the mind of the youth or the impressionable.

The publishers and the national distributors must constantly be on the alert and take organized, united and effective action on their own initiative to stop the flow of worthless and degrading material and not simply pay lip service to the problem.

The education of all the members of the publishing industry and the national distributors is not an easy job, for there are hundreds of them in the field and, obviously, the greed for profit from the

sale of something "hot" is apparently not easy for some of the members to overcome.

But over the years, with proper guidance, education, and the hammering away at the problem, it can be done. The independent wholesale distributor can be depended upon to exercise all due care and restraint.

Despite what some local press or some local pressure groups may have to say invidiously about the wholesale distributor and the retailer, the fact is that these men, in the main, are people of good reputation and character in their respective communities who are jealous of their positions in the communities and are anxious to keep up established standards of decency and morality in the eyes of their neighbors. Too often, they have been the subject of unfair and ignorant attacks.

Holding no brief at all for the offensive or the obscene, they have no desire to protect or further the distribution of this kind of reading material, but are necessarily caught in the kind of business where certain members of the public do not want to or cannot understand their problem.

As one of our members so well said:

Remember, no business can prosper unless it is built on foundations of a moral character, for this is the principal element of its strength, and the only guaranty of its permanence and prosperity.

That is the end of my statement.

The CHAIRMAN. Senator Hennings, have you any questions?

Senator HENNINGS. I have no questions.

The CHAIRMAN. Counsel, do you have any questions?

Mr. BEASER. I have one question.

In dealing with your dealers, do you permit them to select from your total line the magazines, the crime comics, the crime and horror comics, that they want, or are they sent in your total?

Mr. BLACK. They have the right to reject. They cannot select because that would mean each and every dealer would have to come down to the place to determine what is being prepared for delivery, and that would be impossible.

Mr. BEASER. You send each dealer all the titles you get?

Mr. BLACK. No; there are many dealers with restricted lists, the same as I have restricted lists with my publishers.

Mr. BEASER. The restriction is of your choice or of the dealer's choice?

Mr. BLACK. Which restriction?

Mr. BEASER. The dealer who has a restricted list, is he the one who made the restriction?

Mr. BLACK. He has asked to have certain publications deleted from the lists that are being shipped to him.

Mr. BEASER. No further questions.

The CHAIRMAN. Thank you very much, Mr. Black. We appreciate your being with us here this afternoon.

Counsel will call the next witness.

Mr. BEASER. Mr. William A. Eichhorn.

The CHAIRMAN. Do you swear that the testimony you are about to give before this subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EICHHORN. I do.

The CHAIRMAN. Now, will you state your full name and address and your association, for the record, please?

TESTIMONY OF WILLIAM A. EICHHORN, EXECUTIVE VICE PRESIDENT, AMERICAN NEWS CO., NEW YORK, N. Y.

Mr. EICHHORN. William A. Eichhorn, 10 Cambridge Lane, Manhasset, N. Y.; executive vice president and treasurer of the American News Co.

The CHAIRMAN. Mr. Eichhorn, have you a prepared statement?

Mr. EICHHORN. No, I haven't. I have this here which I would like to read.

The CHAIRMAN. You proceed in your own manner and then counsel will examine you.

Mr. EICHHORN. This is a letter which we sent out in March to all of our branch managers throughout the country. It is over the signature of the president of our company.

Mr. BEASER. Mr. Eichhorn, it may help a little bit if I ask you a few questions about the company so that we get straight how your operation goes.

On the board we have put up an organizational chart, so to speak, of the comic groups distributed by the American News Co. May I ask one thing: The American News Co. is a wholly owned operation?

Mr. EICHHORN. It is a corporation.

Mr. BEASER. It operates what otherwise would be called the distributor and wholesaler end of the——

Mr. EICHHORN. The wholesale distributors.

Mr. BEASER. You have branch offices, so to speak, in most of the cities?

Mr. EICHHORN. Approximately 400 around the country.

Mr. BEASER. You also operate the stands at railroad stations and streetcar terminals, too?

Mr. EICHHORN. Only some, through a subsidiary company.

Mr. BEASER. Those are line operations, are they not? Line in the sense those are employees in the wholesale department?

Mr. EICHHORN. No, we have a wholly owned subsidiary company called the Union News Co. The Union News Co. operates newsstands in certain railroad stations, subways, hotels, and so forth.

Mr. BEASER. And the people behind the counter on those stands, are they your employees?

Mr. EICHHORN. Employees of the Union News Co.

Mr. BEASER. And the people who operate your wholesale establishments in the various areas of the country, they are employees, your employees?

Mr. EICHHORN. That is correct.

Mr. BEASER. So you have direct control over them?

Mr. EICHHORN. That is correct.

Mr. BEASER. In other words, when you now read a letter which you sent out, those are, in effect, instructions and not suggestions?

Mr. EICHHORN. That is correct.

Mr. BEASER. You may read the letter and then I will go on.

Mr. EICHHORN. The subject is "Obscene literature":

During the past year or so there has been quite a lot of agitation and publicity in connection with the circulation of obscene literature. It has been discussed in the press and both private groups and public officials have made statements about it. A year ago at this time we sent you a letter stating the policy of our company, but it may be helpful to repeat it at this time. You have our full permission to quote this letter to any dealer, any Government official, any newspaper, any private group, and, in fact, to anybody at all if you should be called upon for a statement of our company's policy.

Ever since its organization 90 years ago it has been the policy of the American News Co. that it will not and does not knowingly distribute any obscene publications. Many of our publications are entered as second-class matter with the United States Post Office. Such material is censored by the Post Office authority and under its regulations obscene material is not acceptable. We ourselves do not censor because it would be impossible to censor the great number of magazines and books which we distribute both in the United States and in foreign countries.

Furthermore, we have no legal authority to censor anything. Nevertheless, our company has a fine record as a distributor of publications which has lived up to all reasonable standards of acceptable literature. We feel that this is due in large part to the fact that the publishers for whom we distribute are reputable concerns who desire to conduct their business in full compliance with the law.

If any particular publication is complained to be obscene by any responsible public authority or private group, we will cooperate to the fullest extent in determining whether it is obscene. If it is determined to be obscene we will not distribute it. We feel, however, that the difficult situation on obscenity would be made by authorized public agencies, otherwise the private standards of particular groups may be imposed on the reading public which would be an unjustified impairment of the liberty and freedom of the public.

We have never required any retailer to accept an objectionable publication as a condition to obtaining any other publication which we distribute. All our publications are fully returnable.

Very truly yours,

P. D. O'CONNELL, *President.*

Mr. BEASER. Let me inquire for a moment as to your relationship with the publishers.

As is customary I gather among other distributors, you made advances to publishers?

Mr. EICHHORN. I don't know what you mean by that.

Mr. BEASER. When you accept a magazine for distribution, do you give them advance royalty?

Mr. EICHHORN. Money, you mean?

Mr. BEASER. Yes.

Mr. EICHHORN. Only in some cases.

Mr. BEASER. Do you finance printing costs?

Mr. EICHHORN. No, sir. We have no financial interest in any publication or any publication concerned.

Mr. BEASER. Strictly distribution?

Mr. EICHHORN. Strictly distribution.

Mr. BEASER. Do you charge a handling charge in any way for handling the magazines of the publishers, any magazines?

Mr. EICHHORN. We have a handling charge on returns, unsold copies that come back. We charge the publisher handling charge for handling the returns.

Mr. BEASER. In other words, the more returns the publisher gets, the more it costs him?

Mr. EICHHORN. Well, it costs him for the returns, yes, it costs us to handle them. All we get is our handling cost.

Mr. BEASER. So that, actually, the incentive there is to get them sold, naturally?

Mr. EICHHORN. Sure.

Mr. BEASER. Now, how many publications do you distribute, Mr. Eichhorn?

Mr. EICHHORN. I really couldn't tell you; seven or eight hundred titles.

Mr. BEASER. How is the selection made as to what you will distribute and what you will not distribute? Who does it? How was it done?

Mr. EICHHORN. Various officials of the company. If the publisher wants to distribute through our channels he comes to us and submits his publication and our officials talk it over and decide whether or not we want to handle it.

Mr. BEASER. Is that based on the content of the material, or is it based on salability, or what?

Mr. EICHHORN. Everything.

The reliability of the publisher, his reputation; the content of the magazine, and whether we think it is salable or not.

Mr. BEASER. Now, we have up there some exhibits and horror comics which I gather the American News Co. distributes. We had some testimony today, this morning, about St. Johns' publications.

Mr. EICHHORN. I was not here this morning.

Mr. BEASER. How do you decide which ones of those you will send out, which ones you will not? Have you any criteria?

Mr. EICHHORN. No. As a matter of fact, we no longer distribute St. Johns' publications beginning next week.

Mr. BEASER. Why is that?

Mr. EICHHORN. He is changing his method of distribution to one of the other national distributors.

Mr. BEASER. His total output?

Mr. EICHHORN. Yes, sir.

Mr. BEASER. How about the others? Do you look through their publications before you distribute them?

Mr. EICHHORN. No.

Mr. BEASER. You distribute them by name, naturally?

Mr. EICHHORN. Yes.

Mr. BEASER. What responsibility do you think a distributor should exercise in the realm of screening the type of material which he will carry and send out?

Mr. EICHHORN. When we find a publisher putting out any titles that are objected to by officials or anybody else, then we take it up with the publisher and tell him we don't want him to put any more titles like that out.

Mr. BEASER. Then you actually wait for an official complaint?

Mr. EICHHORN. That is correct, unless we see that he is constantly putting out things like that, then we will warn him and tell him.

Mr. BEASER. Do you get many complaints from parent-teacher groups, parents, about crime and horror comics?

Mr. EICHHORN. I don't know what you mean by many. We get them here and there around the country, in various cities, campaigns are started by parent-teachers and organizations at different times.

Mr. BEASER. As a result of that have you taken any action to look into the content of some of these crime and horror comics?

Mr. EICHHORN. No, we don't look into the content of them at all. If they are found objectionable and the authorities tell us they are objectionable, we won't distribute them.

Mr. BEASER. In other words, you wait for a case under the obscenity statutes?

Mr. EICHHORN. Yes, we don't hold ourselves up as censors.

Mr. BEASER. You will send out anything until the obscenity statutes are violated, then you will go to the publisher and tell him you will no longer carry the obscene publication although you will still carry his material?

Mr. EICHHORN. Yes.

Mr. BEASER. In relationship to your dealer what choice has the dealer got as far as crime and horror comics?

Mr. EICHHORN. He can refuse to take anything we send him. If he gets something that he doesn't want, he can immediately send it back. If he feels he does not want to handle any future copies of that particular title all he has to do is tell us he wants no more of X, Y, or Z magazine in the future and he won't get them.

Mr. BEASER. That is a selected list he has?

Mr. EICHHORN. He can take whatever he wants.

Mr. BEASER. What was the occasion for this letter to your agents? Had there been complaints about the fact that dealers were being forced to take what they did not want?

Mr. EICHHORN. No. It was the fact that these various organizations around the country were putting on campaigns to eliminate comics that they felt were harmful to their children, things of that kind. Not because of dealers refusing to get stuff they didn't want.

Mr. BEASER. Are you concerned at all as to the effects on children which some of the crime and horror comics which you are distributing may have?

Mr. EICHHORN. Naturally we don't want to put out anything that is going to be harmful if we can avoid it. We can't hold ourselves up as censors.

Mr. BEASER. Well, you actually do when you refuse to accept some magazines which you have in the past refused, have you not? You have refused to distribute certain magazines in the past?

Mr. EICHHORN. Yes.

Mr. BEASER. At that point you do act as a censor?

Mr. EICHHORN. When we first take it on, yes, but after we take on a line, then we expect that publisher will continue to give us the same type of magazine that we have agreed to distribute.

Mr. BEASER. Have you had in the past complaints about a particular crime and horror comic, a particular one, I mean, rather than generalized?

Mr. EICHHORN. Yes.

Mr. BEASER. Which ones have you had complaints from?

Mr. EICHHORN. I wouldn't know offhand. It would be in a particular city, somebody would complain about a particular title. It would not be a thing all over the country.

Mr. BEASER. Have you as a result of that dropped the carrying of any crime or horror comics?

Mr. EICHHORN. Yes, we in certain cities won't put out particular magazines that have been complained of.

Mr. BEASER. That is a particular issue, not a particular company's product; is that it?

Mr. EICHHORN. It might be a particular issue, and it might be a particular title that we will not send in there at all, any future issues.

Mr. BEASER. Take Weird, for example, if you had a complaint about Weird, would you stop handling Weird, or would you stop handling the May issue of Weird?

Mr. EICHHORN. If we had complaints about the May issue of Weird, we would probably call it in from the dealers' stands and send it back to the publisher. If the complaint was that Weird as a title as a continuing future issue was not acceptable we would not send any more Weird magazines into that particular city.

Mr. BEASER. What would you do in order to ascertain whether it is or is not good? Would you, yourself?

Mr. EICHHORN. No, that would be up to the officials, whoever objected to it.

Mr. BEASER. Supposing you had a complaint that Weird was putting out some things, your testimony is that you would wait until there had been a court case?

Mr. EICHHORN. No. If any duly constituted authority, city, State, National, any duly constituted authority tells us they don't want us to distribute Weird magazine, we will not distribute it.

Mr. BEASER. Regardless of the reason they gave you, or do you wait for the reason to be obscenity?

Mr. EICHHORN. No, for any reason at all. If they say it is objectionable, we won't distribute it in that place.

Mr. BEASER. Now, you also distribute in foreign countries?

Mr. EICHHORN. No, not very much, outside of Canada.

Mr. BEASER. Canada is the only foreign country you do distribute?

Mr. EICHHORN. Comics, yes.

Mr. BEASER. I am talking about comics.

Mr. EICHHORN. Yes.

Mr. BEASER. None of these I suppose are yours, are they?

Mr. EICHHORN. No.

Mr. BEASER. I was under the impression that you distribute comic books in at least 35 foreign countries. Is that so, or am I wrong?

Mr. EICHHORN. Not to my knowledge.

Mr. BEASER. The American News Co.?

Mr. EICHHORN. Not to my knowledge.

Mr. BEASER. In other words, the Romance group would not be distributed by you in foreign countries?

Mr. EICHHORN. That is right.

Mr. BEASER. You have no branches anywhere except in Canada?

Mr. EICHHORN. We have one in London, England.

Mr. BEASER. Are you concerned at all as to the type of material which you send over there, the impression which it will give about the United States?

Mr. EICHHORN. We don't send any comics to London.

Mr. BEASER. Just Canada?

Mr. EICHHORN. Yes, sir.

Mr. BEASER. I see.

No further questions, Mr. Chairman.

(On June 9, 1954, the subcommittee received the following information which corrects Mr. Eichhorn's statement regarding foreign distribution of comics by the American News Co., Inc.)

THE AMERICAN NEWS CO., INC.,
New York, N. Y., June 8, 1954.

Hon. ROBERT C. HENDRICKSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR HENDRICKSON: On Friday, June 4, I testified before you in the Federal Courthouse here in New York City. At that time, your committee's counsel said that he understood that our company distributed comics in 38 foreign countries. I testified that I did not think this was so, and that distribution of comics of publishers for whom we distributed was made directly to foreign countries by the publisher themselves.

After I returned to the office, I realized that this was not entirely correct. The publishers do sell copies direct but our company also distributes some copies of comics to dealers in foreign countries.

Attached, you will find a list in duplicate, of foreign countries to which we distribute magazines and on this list we have checked off those countries to which we distribute comic magazines to dealers. We do not distribute all comic magazines that we handle to all of these countries, but we do distribute some copies to each of the countries checked off on the attached list.

I am sending this to you so that the record will be straight and I regret that I did not give you the entire correct picture when I appeared before your committee.

Very truly yours,

W. A. EICHHORN,
Executive Vice President.

FOREIGN COUNTRIES DRAWING COMICS

✓Arabia	✓France
✓Argentine Republic	French Indochina
Austria	French West Indies
Belgian Congo	Germany
Belgium	✓Greece
Bermuda	✓Guam
✓Bolivia	✓Guatemala
Brazil	✓Haiti
British East Africa	✓Hawaii
✓British Guiana	✓Honduras
✓British Honduras	Holland
✓British West Indies	✓Hong Kong
✓Burma	Hungary
✓Canal Zone	✓Iceland
✓Ceylon	✓India
✓Chile	✓Indonesia
China	✓Iran
✓Colombia	✓Iraq
✓Costa Rica	Israel
✓Cuba	✓Italy
Cyprus	✓Japan
Czechoslovakia	✓Kenya Colony
✓Denmark	✓Lebanon
✓Dominican Republic	✓Malaya
✓Ecuador	Malta
✓Egypt	Manchuria
Egyptian Sudan	Marianas Islands
Eire	Mauritius
✓El Salvador	✓Mexico
✓Ethiopia	Morocco
Federal Malay State	✓Netherlands Antilles
✓Fiji Islands	Netherlands East Indies
Finland	✓Netherlands Guiana
✓Formosa	Newfoundland

FOREIGN COUNTRIES DRAWING COMICS—Continued

✓New Guinea	Siam
✓Nicaragua	✓South Africa
North Rhodesia	South Rhodesia
Norway	South Siam
Nyasaland	✓Spain
✓Pakistan	✓Spanish Morocco
Palestine	Straits Settlements
✓Paraguay	✓Sweden
Persia	Switzerland
✓Persian Gulf	Syria
✓Peru	✓Tanganyika Territory
✓Philippine Islands	Thailand
Poland	✓Transjordan
✓Portugal	✓Turkey
✓Portuguese East Africa	✓Uruguay
✓Puerto Rico	✓Venezuela
✓Republic of Panama	✓Virgin Islands
Rumania	Ships
Sarawak	Direct shipments

The CHAIRMAN. Senator Hennings?

Senator HENNINGS. I have no questions.

The CHAIRMAN. The Chair thanks you very much, Mr. Eichhorn, for your appearance this afternoon. You have been very helpful.

Mr. BEASER. Mr. J. Jerome Kaplon.

The CHAIRMAN. Will you swear that the evidence you are about to give before this subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLON. I do.

The CHAIRMAN. I want to welcome a fellow New Jersey citizen here. Thank you for coming.

Will you state your full name and address, for the record?

TESTIMONY OF J. JEROME KAPLON, CHAIRMAN, JUVENILE DELINQUENCY COMMITTEE, UNION COUNTY BAR ASSOCIATION, UNION COUNTY, N. J.

Mr. KAPLON. J. Jerome Kaplon, and my home address, 78 Edger Road, Summit, Union County, N. J. I am an attorney and I am the chairman of the juvenile delinquency committee of the Union County Bar Association.

The CHAIRMAN. You practice in Elizabeth?

Mr. KAPLON. I practice in Summit. I was given the information yesterday that I was a member, appointed a member by Governor Meyner, of the newly appointed joint legislative committee known as the Juvenile Delinquency Study Commission, along with Mr. Simon J. Falcey, of Trenton, Hon. John J. Rafferty, former member of the Court of Errors and Appeals of New Brunswick.

The CHAIRMAN. Former member of the House Assembly, too?

Mr. KAPLON. Correct.

Judge David A. Nimo, judge of Hudson County Court, and myself. I am not a legislator. I hold no political office, no governmental office.

The Union County Bar Association is merely acting in its capacity as one of the subordinate elements of the New Jersey State Bar Asso-

ciation who some 8 months ago, about the time your committee was organized, Senator Hendrickson, decided that New Jersey wanted to do something about juvenile delinquency also.

The CHAIRMAN. I might say for the record at this point that New Jersey has done something about it, too. Your committee is evidence of that fact.

Mr. KAPLON. We are happy, if I may digress from the main argument of what I hope to bring out today, the fact that we think in New Jersey, thanks to Mr. Fitzpatrick, of course, and his very fine work in connection with the report that his committee has gotten out, with the appropriation that they had within the limitations they were working—

The CHAIRMAN. Do you happen to know, Mr. Kaplon, what appropriation they did have, the amount of it?

Mr. KAPLON. I believe it was something like 15 or 20 thousand dollars the first year, and they have been continued.

Our present commission in New Jersey, I am sure, has no appropriation. I know of none. All of the members of it, including myself, will serve without reward or compensation. It has been that way right from the very start when I, as an individual, felt that something should be done because the legal profession has a duty and obligation to the citizens.

We felt that as lawyers we should do our part in trying to probe for and find out the causes and the reasons and what could be done in the preventive field, in the field of juvenile delinquency.

I just read in our paper this morning, and I think it is worthy of note to call it to the attention of this committee:

Eight teeners held as cause of \$2 million fire.

A teen-age tale of swimming in a forbidden area, stealing surreptitious "smokes" on a wooden pier, and making clumsy effort to put out the resultant fire with wet bathing suits, was drawn from 8 youngsters yesterday, according to police investigating Tuesday's \$2,250,000 fire. The blaze put 125 firemen on the casualty list through injuries or smoke poison, touched off 100 explosions, and threatened to engulf much of Edgewater before it was brought under control in one of the most spectacular fire-fighting efforts in years.

The youngsters are age 13 to 16, one of whom was a girl. I just bring this to your attention. It is so new that the ink is hardly dry on the Morning Newark Star and Eagle.

Mr. BEASER. You also have had experience with comic books, crime, and horror comic books?

Mr. KAPLON. We have had plenty of experience with comic books. Our committee has been diligently obtaining the evidence that has been offered today.

I don't think there is any exception in the State of New Jersey or Union County. I picked up something in Chicago only this Tuesday. Throughout the Nation we are having the same situation. It aggravates one greatly to hear the publishers cry and screech freedom of the press. They quoted so beautifully here from Justice Douglas. I don't think they bore in mind the fact there is another quotation from the late Justice Oliver Wendell Holmes, who said in a controversy involving freedom of speech, that the right that a person has to say what he pleases does not give him the privilege or right to shout "Fire" in a crowded theater.

That surely puts those at rest who feel that there has been some kind of thought in regard to censorship.

Our committee is solely interested in the effort to ban the salacious, the lascivious, pocket-book comic books that come into the hands of juveniles.

We don't want to encroach upon the forbidden area of censorship.

With that in mind a segment of our Union County Bar Association drew up, drafted, a proposed law which I shall offer in evidence here and, fortunately, because of the new streamlining of our courts and the new setup that has resulted in New Jersey since the inception of the new constitution in 1948, we were able to find a spot where we could put some kind of prohibitive force that would in time, we feel, dry up the very, very source of this trouble, which I feel and still feel lies in the hands of the actual publishers themselves.

I refer, therefore, to assembly bill 401, introduced April 12, 1954, in its exact form that it was turned over to Mr. Thompson of Mercer County. It is a very short bill. I would like to read it.

The CHAIRMAN. You have that privilege.

Mr. KAPLON (reading):

[Assembly, No. 401, State of New Jersey]

Introduced April 12, 1954, by Mr. Thompson. Referred to committee on revision and amendment of laws

AN ACT concerning the sale and distribution of printed publications or other articles in certain cases to minors, supplementing chapter 170 of title 2A of the New Jersey Statutes.

Be It Enacted by the Senate and General Assembly of New Jersey:

1. Any person, who directly, or indirectly, acting as agent or otherwise, sells, gives or furnishes to a minor under the age of sixteen years, any book, pamphlet, magazine, or other printed matter, the cover of which or the content of which is devoted principally, or in part, to the exploitation or portrayal of lust in a manner which reasonably tends to excite or excites lustful or lecherous desires among minors, and which book, pamphlet, magazine, or other printed matter, for a minor, is obscene, lewd, or lascivious, is a disorderly person and shall be punished by fine of not more than twenty-five dollars.

The second section is to hit the publisher who is sending this stuff in as they claim they are not supposed to keep it, they don't have to keep it, but they don't tell us at the same time, they make it very difficult for any retailer to return this unwanted literature and many of them today are putting it aside and are returning it because—

The CHAIRMAN. Mr. Kaplón, do we have any publishers of this type of literature in New Jersey?

Mr. KAPLON. I think we do not have any of these types of publishers in New Jersey. They may print it in New Jersey.

I had occasion to speak to the president of one of the typographical unions living in Hillside. He told me that he blushes when he has to set into type some of the material that is given to him by the higher ups.

Now, the second portion of this act 401 assembly bill:

2. Any person, firm, or corporation, or any agent, officer, or employee thereof, engaged in the business of printing or distributing for the purpose of resale through retail outlets, any book, pamphlet, magazine, or other printed matter, the cover of which is devoted principally, or in part, to the exploitation or portrayal of lust in a manner which reasonably tends to excite or excites lustful or lecherous desires among minors, and which book, pamphlet, magazine, or other printed matter, for a minor, is obscene, lewd, or lascivious, is a disorderly person and shall be punished by a fine of not more than two hundred dollars.

Then the final conclusion is this:

3. Any book, pamphlet, magazine, or other printed matter, the sale of which to a minor under the age of sixteen years, was the basis for conviction under paragraph 1—

That is where the little retailer has been caught selling something that he shouldn't have sold—that particular book:

shall be deemed obscene, lewd or salacious and contributing toward the delinquency of minors for the purpose of prosecution under section 2 of this act, which is the act that gets at the publisher or the distributor, the man that is in New Jersey.

We have distributors in New Jersey, even though we do not have publishers.

This act, I am informed by Mr. William R. Vanderbilt, as of yesterday, was introduced, had its first reading.

Next Monday, June 7, it will be, I hope, I understand it will be taken out of committee, the committee of law enforcement, and committee of our legislature, and will have a second reading.

On June 14, which unfortunately is the concluding day of our present legislature, it should have its third reading unless we have another sitdown strike like we had in the New Jersey Legislature last week when our Democratic friends sat down for some reason or other—I don't mean to place that in the record as being derogatory to the Democrats, but there was some other controversy involved and the State's business was held up.

I am assured that on June 7 this bill will have its second reading and then its third reading on the 14th. I am hopeful that this bill will have a dilatory effect, it will stifle the sending in of the salacious type of literature to the retailer.

If it does that, we can get 10 or 15 percent of that sort of thing happening, I think we will have accomplished something.

I am very much interested in following through the first prosecution in a major State court of this act. I hope to be a part of it.

I know that there are recalcitrant dealers who do not cooperate. I have checked my own little home town in Summit. As an outgrowth of the Union County Bar Association's work here we formed the New Jersey News Dealers Association.

The CHAIRMAN. Before you pass on that, Mr. Kaplon, have you given any thought to the constitutionality of this bill?

Mr. KAPLON. I have consulted with special counsel to the Governor, Mr. Comerford, who looked it over several weeks ago. He was concerned as you and I, as lawyers, are concerned, about censorship. He feels that on the standard for obscenity for adults, we have laws on our books as you know, that you can in some way or other tie in or obtain a conviction if the periodical is obscene under our indictment laws.

But we are stepping this crime, so-called, down to merely making it a disorderly person. It is very trivial in its conviction. A \$5 fine just like we have today in our State, a fine for anyone who sells cigarettes to a child under the age of 16.

That is where we found a place for this particular act. There had been no conviction under that act, although I understand in Linden about 8 weeks ago a merchant was haled into court and fined \$5 for selling a cigarette to a child under the age of 16.

I think that this particular legislation will not cause a flurry of complaints and indictments. I do worry about that. There are zealots. There are individuals who are just waiting for an oppor-

tunity to grab hold of the Newark News and claim that the picture of a woman wearing a brassiere in an advertisement is obscene and that if a sale is made to a child under 16 there may be an infraction of the law.

I had that on good authority. My hometown editor tells me that he has been called on the telephone, that an ad that appeared in one of the big department stores advocating the sale of a brassiere was immoral to this particular individual.

So we do fear zealots, and we ask for reasonable interpretation of this law.

But I do feel that once a dealer who is not cooperative, Senator, and who say—and I know there is at least 1 in my town out of the 11 who have told me so—that “This is my bread and butter, and I will sell what I please,” there should be an example made of him and once he knows that he is going to be fined \$5 he is going to cooperate. He is going to be sending back this stuff that is junk, as Mr. Fitzpatrick says. Once he does that it will be a long time before that distributor will take a chance sending other stuff of similar nature to him.

Mr. BEASER. Will your statute get at the crime and horror comics, or is it aimed at a broader thing?

Mr. KAPLON. The work that we have been working on has not been on crime and horror. I started off 8 months ago when I wrote a letter and I feel I would like to say, as in this letter to the Elizabeth Daily Journal, October 8, it says here:

Let us assist in the great work to be done by the recently appointed Senate Committee To Investigate Juvenile Delinquency whose counsel is Herbert J. Hannoeh, Esq., of Newark. He needs your suggestion and help in a hearing shortly to commence. Perhaps a way can be found through legislation to control the incubation of juvenile delinquency which feeds on the rotting of the soul of the weakened mind and spirit stimulated by an indiscriminate circulation of questionable and easily accessible books.

They printed that letter. I have other matters in here that might prove interesting, but we feel, our committee has felt, and I think I can speak on their behalf, that the type of literature that is coming through in torrents in the form of mental aphrodisiacs, just as a cigarette will spoil and harm the physical well-being of a child under 16, under the police power we have a right to have such a law passed.

We feel that the constant bombardment of the young mind by this type of literature can disturb the moral fiber of the child.

I read very carefully Dr. Wertham's book, extractions from it. I was here at the time this committee heard him on it, and I feel confident in my own mind that while comic books, books that are sex stimulators, girlie books, are not the sole cause of juvenile delinquency; they at least are a contributing factor.

I have always felt in accordance with a biblical expression if you can save the life of only one person, you are considered as if you had saved the whole world.

Let us make some progress at least, a small percentage. If we can just get this constant torrent of filth brought down to a point where it does not pay a man to spend \$30,000 to get 300,000 copies out, then we will have accomplished something. They will think twice before they will go into a venture which might run afoul of the law in our State.

Mr. BEASER. Do you think the answer lies through legislation, co-operation, or community effort?

Mr. KAPLON. I feel that community effort is an important thing. We have felt that the problem is not so much the juvenile delinquent, but the juvenile in delinquent society.

I feel that delinquent society can no more be better ably planned than by some of the publishers who are getting out this type of thing for the one sole purpose, for the money influence that comes out of it. It is a business. It is a mass industry and that is one of the first things we have found mass industry is used to impair the morals of a child and that is criminal in our State, too.

You can't put your finger on these things so easily.

I would like to offer also in evidence the seal of the New Jersey News Dealers Association and its pledge card, which takes a positive attitude. If I may read just about seven lines or so, the purpose for its incorporation:

To inculcate the highest ideals of American citizenship in the youth of our country by promoting the publication, distribution, and sale of that type of literature that will morally and spiritually build the youth of New Jersey and of our Nation into substantial American citizens, to encourage the interest and participation of all citizens of New Jersey in affording clean, wholesome, and exemplary literature for juveniles. To promote the basic concepts of our Founding Fathers as portrayed in the Constitution of the United States by advancing that type of literature which will furnish these principles and ideals.

The CHAIRMAN. Without objection, these exhibits will be made a part of the record. Let that be exhibit No. 31.

(The documents referred to were marked "Exhibit No. 31," and are on file with the subcommittee.)

Mr. KAPLON. There should be more of the Horatio Alger, Tom Swift books we had 25 or 30 years ago.

On that point may I add another shot, and that is the results of the Kinsey book.

Senator HENNINGS. Why do you say Horatio Alger and Tom Swift?

Mr. KAPLON. Horatio Alger books, if I recall correctly, and may I just quote:

What we need is a fewer Aly Khans and Rubirosas and more Daniel Boones and Horatio Algers.

The governor made this statement:

The modern ideal of feminine perfection seems to be a punk actress with platinum hair and an overstuffed bosom.

That was our governor.

And that, Mr. Chairman, is why I feel there should be positive effort and it can be done. That came to one of my dealer merchants that I dealt with from a publisher, the Dell Comics.

Here is proof positive that good comics far outsell all others.

I feel that your committee is accomplishing great work here and that this is proof positive that your work is bearing fruit when they realize that 22 of the leading 250 magazines on the newstand, 44 percent of your top sellers and big profitmakers, are Dell Comics.

When they know they have to go out of their way to censor themselves you know very well that your work has not been in vain.

I want to pay compliment to this group here. I have felt from the very beginning the work has been much needed. It is grand relief

from the reckless talk and blabbering we hear from other investigating committees. I am hopeful you can take this law, if it is passed, and send it on to the other States and let them model it in the same way.

Mr. Fitzpatrick has told me that he hopes this very same law may become part of their statutes, too. He realizes they have fallen short of what they hoped to do. He is very much interested in this gimmick or device—better call it that—which will enable us to get our foot in the door at least, anyhow.

It will not be censorship because that same storekeeper can handle the most vicious type of literature that might be indictable as long as he does not sell it to a minor.

I am confident that no storekeeper who is that vicious will welcome repeated fines in court, taking away from his profits, until he reaches the point where he will place his hands in the air and say, "To hell with all this kind of trash. I don't want it around here."

I wrote a letter to Dell Comics and I told them about the work that is being done here in trying to have them become interested in our New Jersey News Dealers Association, which is a nonprofit organization working on no budget, no appropriation, and sorry to say, that I personally am out the money for the seals and for the pledge cards and for the labor and work.

It is a job of love. This is not the responsibility ordinarily by the bar association. We have been practically in every town in Union County. We have pictures taken of storekeepers cooperating, and the editor of the Elizabeth Journal had a lead editorial 2 weeks ago in which he congratulated one of the storekeepers, Mr. Sullivan, whose business has jumped marvelously since he placed in his window and signed a pledge card to the effect, "I pledge to sell only clean literature to children."

As a result of that kind of community effort we are going into Rahway this week; we are going into Linden; we are going to have pictures and seals going on the windows. People are becoming alert. We have addressed the following: Catholic War Veterans of Union County, at Linden; Knights of Columbus, at New Providence; Youth Guidance Council, at Rahway; Union County Grand Jurors Association, at Elizabeth; Catholic Daughters of America, at Trenton; Holy Name Society, at Roselle; and a YMCA forum in Summit.

We have had 8 or 9 or 10 evening engagements in recent times on this subject, the harmful influence of the comic books on the youth of our country.

If people are awakened and realize what is going on, I think they will rise up in arms and they will support and they will boycott—I do not like to use that word "boycott"; it has been used before and it is a harmful word to use, but I think if it is necessary, if a man is absolutely uncontrollable as a news dealer and refuses to exercise decent, fair judgment, there should be some measure of retaliation by his customers and he will lose business thereby.

I touched on the Kinsey book before I went into this thought on the New Jersey News Dealers Association. I was amazed to find out that in Formosa there was a news item only appearing 10 days ago—I am not concerned whether Formosa is in the Nationalist camp or otherwise; they banned the Kinsey report because it exerted an undue psychological influence on students. Those are the words.

There was a five-line press report. If they can do that in Formosa, they can certainly exercise a better discretion in our own country.

Senator HENNINGS. Have you read the Kinsey report?

Mr. KAPLON. I have read excerpts from it.

Senator HENNINGS. Is it in your judgment a fallacious presentation?

Mr. KAPLON. It is a grand treatise for doctors. It makes spicy reading for adults. But it is a disgrace if it gets in the hands of minors.

My only experience has been that I went to the public library and I asked the librarian there what the story is on the Kinsey book. I was amazed to find out. He says only yesterday three high-school girls came in and wanted the Kinsey book.

Free speech. Freedom of the press. The librarian says, "What do you want it for?"

The children say, "We are studying glands."

You can find much more than glands in that book. I hope the press does not publicize any more than they have publicized it already.

But the real harm is due entirely to the psychological twist. The Kinsey book has been perverted to the point where they are selling a synopsis of this book in our very city in New York under the guise of sex habits of American women for 35 cents.

Now a child does not have to make an excuse to the librarian that she is studying glands; she does not have to even go in a store and blush while she asks for the Kinsey book; and I know in my hometown a young man was turned down by a legitimate bookstore with \$8 in his hand. He wanted the Kinsey book. All they need is 35 cents.

You will be amazed, too. It gives a very fine synopsis of the Kinsey book that is being sold in our best drugstores. Certainly it is good literature. You can't censor that sort of thing to an adult, but it is easily accessible for the price of an ice-cream soda to a child who wants to learn something, and there is no child and probably no man here who has not tried to find out in his youth probably what some of the dirty words are. He can find them out right here.

Then the thing that probably is most aggravating, gentlemen—and, this I shall say, it has not been touched upon, either—one of the best sellers this country has had in many years, and made into a wonderful moving picture, I think it is grand, *From Here to Eternity*. More smut appears in this book that you wouldn't find in a toilet, in a flophouse, in the Bowery, and not for \$3, but for seven-fifty.

I am hopeful that papers will not pick that up, because it will zoom from here to eternity.

Also, it is a shame to the author to think that he could not have completed a book like that without the insertion of the vulgarity that is in there.

To make it all the more aggravating, those of you who are here, you can find out for yourselves, the paper-book edition, on page 447; and I shall not repeat the words here because they are not proper to repeat before an assembly of gentlemen even—they italicize the most vulgar word; it is not of the English language—the most vulgar word you could not really find in a toilet, in a flophouse, in the Bowery.

If an adult wants to read it, it is perfectly all right, but I certainly wouldn't want my 17-year-old daughter to actually see a word that you know is forbidden to see, right in front of her.

What is the actual sense of that when she knows she sees it there, she can repeat anywhere, it is common knowledge? It is literature; it will become a classic 10 years from now.

I don't know whether I am committing libel or slander. I am speaking on behalf of myself now. Personally my sensibilities for our children are hurt to know that they had to have that sort of saying in a book, paperback edition.

I wanted to call your attention to one item that appeared—I made a photostatic copy of the Sex Habits of American Women—the change in attitude toward virginity. Among the group of middle-class married women, where they get their dope from, I don't know, but that doesn't make a bit of difference to a child who is beginning to blossom into womanhood, before 1890: Not virgin at marriage, 13 percent.

Skip down to 1910 or later: Not virgin at marriage, 68 percent.

I have always felt that people followed the sheep. When you see something like this in there—where they got their dope from, I don't know—I feel that any boy's mind could be very quickly turned where the tables are evenly balanced.

Our work has been principally on this type of literature rather than on the crime comics. The psychological effect——

The CHAIRMAN. Mr. Kaplon, in that connection, as I recall it, you said this bill that is pending in the New Jersey House Assembly did not provide any enforcement provisions for the crime comics.

Mr. KAPLON. It did not. We were afraid to go out whole hog at this time. We wanted to get this thing through with as little bickering as possible.

Crime comics, there has been argument on both sides. I am convinced it has an effect on the child.

The CHAIRMAN. You said that bill was pending in the committee?

Mr. KAPLON. It is pending in the committee on revision and amendment of laws. Mr. Vanderbilt told me yesterday that it is expected to be moved out of the committee on June 7 when it will have its second reading.

The CHAIRMAN. Your committee does not think it advisable to cover crime comics in this legislation?

Mr. KAPLON. If we could cover crime comics it would be delightful, but I am hopeful to get at least a portion of it in now. It is almost too late to try to get the crime comics element into this bill.

The CHAIRMAN. Would it be bold of the Chair to suggest that you might contact Bill Vanderbilt and ask him if he could not have a committee print written up so as to cover crime comics?

Mr. KAPLON. I shall be very happy to contact Bill Vanderbilt and see if we can't get something through on that, and again copying the fine work of Assemblyman Fitzpatrick, to whom we are deeply indebted in New Jersey. If he would send the legislature a bill for the work that they have accomplished, I would really think that the legislature of New Jersey would be getting a good bargain.

The CHAIRMAN. I think the whole country is indebted to Mr. Fitzpatrick.

Mr. KAPLON. Of course, I mention your committee, too. Without your help, without the influence, the prestige of the Senate subcom-

mittee hearing, we would not have gotten to first base. It has been an encouraging note from the very beginning. The entire country should be greatly obligated to this group of men who have toiled and worked as hard as you have worked in order to bring to the attention of the public at least the harm that is being done, the moral fiber of our youth being destroyed at the back door while we are trying desperately to fight communism through the front door, as we should do.

The CHAIRMAN. We wish to commend you for the fine work you are doing and the contribution you are making so unselfishly and so courageously.

Mr. KAPLON. Thank you. It has been a pleasure.

Senator HENNINGS. Mr. Chairman, I think it is very evident that Mr. Kaplon is a most public-spirited man and is animated by, I was about to say zeal, I don't mean zealot, by a righteous zeal to do something about this problem that confronts us, you realize the complexity of it, of course.

Mr. KAPLON. The complexity is a burden.

Senator HENNINGS. It is a tough problem.

Mr. KAPLON. No question about it. If we can hold the zealots in line who may want to prosecute any storekeeper who may be selling a magazine like Life, that occasionally has a rather interesting picture of a fully clothed woman, shall we say, but in a position that might raise a supercilious eyebrow—we cannot really be prudes altogether, but there are some people who will be and they can make a mockery of this law if they go into action. I am hopeful we can stem the tide in New Jersey.

The CHAIRMAN. So whatever law we have we will have to have proper safeguards in it.

Mr. KAPLON. Yes; that we are convinced of, Senator.

Senator HENNINGS. Have you not even heard of the prurient mind who turn pictures in all directions trying to see what they can make out of them?

Mr. KAPLON. I have enough confidence in the magistrates in our State who will act upon this when the complaint is brought in that they will use good judgment in not permitting the law to get out of hand.

A little prosecution, a little conviction here and there against a recalcitrant dealer, and a little more, shall I say, effort in getting all of our news dealers signed up, might operate and operate very well.

I think that I have been too lengthy. I know it is late.

The CHAIRMAN. You have been very helpful.

Mr. KAPLON. It is a disadvantage to be working at the shadow hour of 5 o'clock. I want to express my willingness to return at any time, any place, in order to give you any information that might be at all helpful.

The CHAIRMAN. We shall appreciate that very much. Thank you.

Mr. KAPLON. I would like to present to this honorable body the interim report of the Juvenile Delinquency Committee of the Union County Bar Association of New Jersey. This report is the result of several months of effort in trying to probe the reasons for juvenile delinquency and to endeavor to find preventative means of curbing juvenile delinquency principally by acting in that field which will ban the sale of salacious and lascivious literature by news dealers to minors under the age of 16.

I am grateful that the committee will accept this report.

The CHAIRMAN. That will be exhibit No. 32.

(The report referred to was marked "Exhibit No. 32," and reads as follows:)

EXHIBIT No. 32

THE JUVENILE IN DELINQUENT SOCIETY

INTERIM REPORT OF THE JUVENILE DELINQUENCY COMMITTEE OF THE UNION COUNTY BAR ASSOCIATION

It is a tradition of lawyers, as of all ritualists, to show a high disdain for the ordinary workaday details of life. Like the two maiden aunts in Marcel Proust, who carried on an elaborate conversation in which they sought to thank Swann for a gift, without mentioning the gift, which by their social code would have involved too vulgar a contact with ordinary life, lawyers, and judges stick to their code and mention social reality only by innuendo and indirection. And so, this report, too, is a departure from syllogisms, rituals, and abstractions in that it breaks with such tradition in its treatment of one of the many facets of an ordinary and workaday detail of life—juvenile delinquency.

No more alarming symptom of present-day lawlessness can be cited than the shocking spectacle of juvenile transgression now running rampant throughout our Nation. In the age group of 10 to 17, figures compiled by the United States Children's Bureau released at the annual forum of the National Conference of Social Work last month in Atlantic City, revealed a startling increase of 45 percent in delinquency cases for the 5-year period, 1948-53, as compared with a rise of only 7 percent increase in population during the same period in this age group. It may be said that this revolting pattern of social decay has reached the serious proportions of a national epidemic. Through indifference or preoccupation with vexation and stress in a world in turmoil, we have shut our eyes to the present level of moral deterioration of our adolescent society. "We devote much attention, energy, and resources—and rightly so—to the fight against communism, both at home and abroad. We are waging the fight to keep this Nation free. To what avail is that fight if the moral fiber of more and more of our children is being undermined? We devote untold millions to the protection of our national resources through reforestation, prevention of soil erosion, and the like. But we are neglecting our biggest national resource—our children and youth." (Interim Delinquency Reports Conclusion of United States Senate subcommittee, headed by Senator Robert C. Hendrickson of New Jersey.)

Our statutes provide, under 2A:4-14 that "the juvenile and domestic relations court, shall have exclusive jurisdiction to hear and determine all cases of juvenile delinquency." And juvenile delinquency is defined by the commission by a child, under 18 years of age, of an act which when committed by a person of the age of 18 years or over, would constitute the gravest of offenses. The only exceptions are found in Revised Statutes, 2A:4-15, which provide that in cases involving juvenile delinquency, committed by persons of the age of 16 or 17 years, where it appears that the act of delinquency was committed by an habitual offender, or where the offense is of a heinous nature, then the juvenile court may refer such case to the county prosecutor. In addition, "any juvenile of the age of 16 or 17 years, may demand a presentment and trial by jury, and, in such case, when this fact is made known to the court (juvenile court), such case, together with all the documents pertaining thereto, shall be referred to the county prosecutor. Cases, so referred to the county prosecutor, shall thereafter be dealt with in exactly the same manner as a criminal case." The likelihood of a youth of 16 or 17, voluntarily placing himself within the jurisdiction of our criminal courts, is quite remote. These references to the prosecutor are further enunciated in Revised Rules of Practice, 6:9-7.

Every adult concerned with the welfare of our youth, cannot fail to recognize the grave impact of the United States Senate subcommittee hearings on juvenile delinquency, the New York State Joint Legislative Committee To Study the Publication of Comics and the recent creation of a similar joint legislative committee in our own State. Several months ago, the New Jersey State Bar Association, with a membership of some 3,000 lawyers, joined in the effort by its delegation of 21 county bar association subcommittees on juvenile delinquency. These agencies have been diligently engaged in seeking out the causes,

probing for prevention, arresting the growth and endeavoring to control the spread of this cancer of modern day society.

It can be said that our State has achieved unique success in the reformatory and correctional processes of our erring youth. On March 15, *Life* magazine featured an article on the great strides of our State in this department. The title of this article was, "Helping Bad Boys—A Plan Pays Off for New Jersey."

In reclaiming our youth, the diagnostic center at Menlo Park, and the Highfields experimental project—the former Lindbergh home at Hopewell—are inspiring landmarks in the reformatory field. The latter program, began in July of 1950, is described in a report based on a 17-month operational period, as accomplishing "as much, if not more, in its 4 months of residential treatment, as the reformatory at Annandale does in its more than 12 months." Moreover, the rate of success on probation or parole, in the case of boys released from Highfields, was shown to be substantially higher than the record for Annandale. Experiments such as these in the conservation of human resources, may very well provide methods which will bring about a turning point in the tide of juvenile delinquency. The continued strengthening of such facilities should greatly augment the court's effectiveness in fulfilling one of its principal functions—the rehabilitation of juvenile offenders.

In unraveling juvenile delinquency, the pathway does not lie in unrelenting and vengeful punishment, but in persistently seeking and uprooting the causes; in probing for the symptoms, rather than in treating the disease "after the horse has been stolen."

Our legislators, psychiatrists, probation officers, parent-teachers groups, religious and civic organizations are wrestling with the question posed by the admitted monthly publication of 90 million comic or pocket books, 25 percent of which are estimated as being principally devoted to horror, crime, and sex exploitation and stimulation, beamed to juvenile eyes and slanted for juvenile consumption because of their easy accessibility and cheap cost. Obscenity, lewdness, and indecency to the sensitiveness of the adolescent litter the magazine racks. Just like a drowning man who grasps at a straw, there is a growing school of thought that points an accusing finger at this insidious and pernicious influence on the minds of our youth. Santayana once said, "The man who gives a wrong twist to your mind meddles with you just as truly as if he hit you in the eye; the mark may be less painful, but it is more lasting."

Interspersed with this torrent of filth, are commendable publications that are a credit to the industry. Is that smaller portion, characterized as literary garbage, protected by the freedom of the press, harmful to the mind of a child? Is seduction of the innocent and moral disarmament of our youth induced through the subtle and pervading effects of crime and sex comics? Do these magazines and the crime and love comics that flood the newsstands, contribute to delinquency? Unfortunately, there is no stock answer.

Early this year, a grand jury in Middlesex County drew a direct connection between the public display of pornographic literature and the growing number of nonsupport and desertion cases. Police Commissioner O'Connor of Chicago says that the recent increase in rape and sex crimes is directly attributable to the influence of lurid magazines and books. The juvenile court judges in Minnesota have issued an approved reading list for young people. They feel that it is part of their job to get indecent publications out of youngsters' sight and touch. (See p. 18, Report of New York State Joint Legislative Committee to Study Publication of Comics.)

We have in this country some of the most beautiful, thoughtful, amusing and informative magazines in the world. Among the pocketbooks on the newsstands are some of the best reading values ever offered; Bibles, atlases, and geographies, books on child care, reprints of the great novels and short stories. But crowding all of these useful and enjoyable magazines and books, are publications which can have no possible effect, except to misinform the adolescent, debase his thoughts, and degrade his emotions. The publishers of such material will stop at nothing to catch the eye.

The laws of our State make the sale of obscene and indecent literature an indictable offense (2A:115-2). The test of what is obscene and indecent is not easily definable. The test generally laid down is whether the writing is of such character as would tend to deprave the morals of those into whose hands the publication might fall, by suggesting lewd thoughts and exciting sensual desires. In *Dysart v. U. S.* (277 U. S. 655), the Supreme Court indicated, as one test, that the language must be such as would be calculated to corrupt and debauch the minds and morals of those into whose hands it might fall.

In New Jersey (See *Bantam Books, Inc., Plaintiff v. Matthew F. Melko*, prosecutor of Middlesex County (25 N. J. Super, 292) a test case sought to establish the right of a prosecutor of the pleas to ban certain objectionable pocket comic books, culled from a list compiled by volunteer citizen groups. Letters from the prosecutor to dealers in the county, attacking the Chinese Room were cited by the plaintiff, as the basis for its injunctive suit seeking to restrain the prosecutor. The publishers, plaintiff, claimed abridgment of freedom of the press, guaranteed under the first amendment. In a brilliant 30-page opinion, emphasizing abhorrence of censorship, Superior Court Judge Goldman found the questioned book within the accepted limitless standards of a free press. The Supreme Court upheld the decision but modified the injunctive relief by striking down that portion of it that denied the prosecutor the power to warn dealers that certain books were on the banned list. The reasoning sustaining this permissive quasi-censorship, epitomized in the Supreme Court opinion, was sound: Law enforcement agencies have the right to warn in advance possible infringement of any law. The green light was flashed to the unethical publisher to grind out more and more of this literary garbage; to stimulate the adolescents with pocket and comic books on the borderline of pornography and in the twilight zone of obscenity which pandered sex with the lethal weapon of a mental aphrodisiac.

We feel confident that if this test case had involved an infraction of our proposed bill (assembly 401—See exhibit A) the court would have taken judicial notice of the mass of dirty, revolting pocket and comic books falling into the hands of juvenile and contaminating their impressionable minds. To allow, unchecked, this torrent of filth and trash condemns us as delinquents because the failure or neglect to furnish protective care through public health legislation for the growing mind of the adolescent, constitutes an abdication of adult responsibility.

It has been felt that the court, in protecting the freedom of the press, has leaned over backwards in its unwillingness to be unduly censorious. It must be observed that the entire field of censorship involves the suppression of freedom. This precious heritage, guaranteed by the first amendment to the Constitution, must, at all costs, be held inviolate; but, at the opposite pole, it may be safely argued that the right to protect the morals of youth is just as sacred as the right to freedom of the press vouchsafed for us in the Bill of Rights. The unscrupulous or unethical publisher who claims the right to print what he pleases, must be reminded of the immortal words of the late Justice Oliver Wendell Holmes, who, in a controversy involving freedom of speech said "that the constitutional protection to say what we please, does not give one the right to shout 'fire' in a crowded theater."

The real knotty question involved is how we can regulate and control the industry at the publication and wholesale distribution levels without doing injury to our freedom and without incurring the evils of censorship. Surely, the framers of our Constitution could not have intended these guaranties as a license for irresponsible publishers to contaminate the minds and morals of children for profit. For the most part, the storekeepers are blameless and helpless for they are at the mercy of the higher-ups. The custom in the trade calls for weekly shipments from the distributor of a full assortment of periodicals on consignment, with privilege of return; often the objectionable material is hidden within the pages, and the average retailer could spend half his workday in frustrating self-pol'cing. Our State enforcement agencies stand ready to assist these local merchants in cleaning up their stands where there has been intimidation by a distributor who insists on a tie-in, a gimmick employed at the higher level that compels acceptance of filth at the risk of a penalty of losing his supply of worthwhile, staple, and salable publications. (See ch. 392, Laws of 1953.)

In the absence of industry control, the flood of indecent literature will surely backfire, caught in the mesh of an indignant public, unwilling to buy the trash. The unrelentless surge of such a movement will encourage the retail dealers, no longer fearful of reprisals or sanctions—to return the trash to the wholesale distributors and, who, in return, will dump the mess right back from whence it originates, the irresponsible publisher. To hasten this process our State legislature is considering a law (assembly bill 401), based on the principle of our present statute that forbids the sale of cigarettes to a minor under 16. Interpretation of preventative legislation of this kind must always be dispassionate and reasonable and free from the clamor of zealots and would-be reformers. In this war of attrition the law of economic necessity will force

a collapse of the unethical publisher, while building to even loftier heights the proud profession of a great and free press.

Our committee in Union has vigorously attacked the problem from several angles. In the legislative field we drafted and sponsored assembly bill 401, introduced by Frank Thompson, Jr., of Mercer County. This bill seeks to curb the sale of salacious, lascivious, and lurid literature at the retail and wholesale levels to minors under 16. We encouraged the incorporation under title 15 of the New Jersey News Dealers Association (nonprofit), which is a self-policing, self-censoring medium employed by newsdealers throughout the State to compel publishers to temper their business methods with better taste and cleaner consciences. In cooperation with the public relations committee of our bar association, your chairman has addressed the following organizations to date on this timely topic: Catholic War Veterans of Union County, at Linden; Knights of Columbus, at New Providence; Youth Guidance Council, at Rahway; Union County Grand Jurors' Association, at Elizabeth; Catholic Daughters of America, at Trenton; Holy Name Society, at Roselle; and a YMCA forum, in Summit.

Respectfully submitted.

Edward Cohn, Philip Donnelly, Joseph D. Epstein, J. Leroy Jordan,
Lea Kaplowitz, Isabel Muirhead, Richard P. Muscatello, Sarah
V. Needell, Daniel J. O'Hara, Milton Sevak, H. Douglas Stine,
George R. Walsh, Clark McK. Whittemore, J. Jerome Kaplon,
Chairman.

The CHAIRMAN. Mr. Kaplon, will you carry my best wishes back to the good people of Summit?

Mr. KAPLON. I certainly shall.

(The following statement was submitted by Mr. J. Jerome Kaplon at a later date and is incorporated in the record at this point.)

SUMMIT, N. J., June 9, 1954.

HERBERT W. BEASER,

Chief Counsel, United States Senate Judiciary Subcommittee on Juvenile Delinquency, Washington, D. C.

DEAR MR. BEASER: Will you please include the contents of this letter as part of my testimony and to be read into the record?

I want to express my formal appreciation to you and to the other members of the committee for asking me to testify last Friday in my dual capacity as chairman of the juvenile delinquency committee of the Union County Bar Association of New Jersey and as Governor Meyner's recent appointee as member of our juvenile delinquency study commission, created by joint resolution of our State legislature.

I admired your splendid handling of the questioning of the several witnesses that day, and was especially glad that the testimony brought out vividly the burning, controversial question: "If limited censorship applying only to children is the partial answer to the comic-book problem, will legislation, based on such a principle, do violence to the first amendment of our Constitution—the freedom of the press?"

It must be observed that the entire field of censorship involves the suppression of freedom. This precious heritage, guaranteed by the first amendment to the Constitution, must, at all costs, be held inviolate; but at the opposite pole it may be safely argued that the right to protect the morals of our youth is just as sacred as the right to protect the "freedom of the press," vouchsafed for us in the Bill of Rights. You will recall that I quoted the immortal words of the late Justice Oliver Wendell Holmes in that connection, who, in a controversy involving freedom of speech said, "that the constitutional protection to say what we please does not give one the right to shout 'Fire' in a crowded theater."

We all abhor censorship and, therefore, encourage self-policing and voluntary censorship by the retail newsdealers. I am afraid that some publishers cannot be relied upon to do a satisfactory censorship job of their own; their operation is too big in this \$100 million industry.

But, we can approach this problem through the back door, starting with the little retailer. The flood of indecent literature will surely "backfire," caught in the mesh of an indignant public, unwilling to buy trash. The relentless surge of such a movement will encourage the retailers, no longer fearful of reprisals or sanctions, to return the rot to the wholesale distributors and, who, in return, will dump the mess right back from whence it originates, the irresponsible pub-

lisher. Anticipating the squawk from these publishers, who, with one hand are greedily multiplying the fleshpots of their mass industry, while with the other hand are pleading for enforcement of freedom of the press privilege, the courts may very well be called upon to interpret this portion of the first amendment in terms of present day social conditions. Will our proposed law in New Jersey (assembly bill 401) stand up in such a test? I can think of no better way of answering this challenge than by quoting from the late Justice Louis D. Brandeis, appearing on page 115 in *The Words of Justice Brandeis*, Edited by Solomon Goldman:

"Whether a law enacted in the exercise of the police power is just, subject to the charge of being unreasonable or arbitrary can ordinarily be determined only by a consideration of the contemporary conditions, social, industrial, and political, of the community to be effected thereby. Resort to such facts is necessary, among other things, in order to appreciate the evils sought to be remedied and the possible effects of the remedy proposed. Nearly all legislation involves a weighing of public needs as against private desires, and likewise a weighing of relative social values. Since government is not an exact science, prevailing public opinion concerning the evils and the remedy is among the important facts deserving consideration, particularly when the public conviction is both deep-seated and widespread and has been reached after deliberation."

I could not close my statement without expressing my deep appreciation on behalf of the lawyers of the Union County Bar Association, to the Elizabeth Daily Journal, and particularly to Mr. John Hall, editorial writer, and Miss Nadia Zagilka, special feature writer, whose recent revealing series of articles on juvenile delinquency has surcharged our citizens with determination to act. This great newspaper in our county of over 400,000 inhabitants, has given us yeoman service in editorial help and news releases over the past several months. The dozens of articles and the thousands of words that have been printed by this paper, in support of the work of the juvenile delinquency committee of the Union County Bar Association in this phase of its public-relation work; the encouragement and aid that were received in drafting legislation that finally found its mark in the halls of our legislature; the constant notices and reports of meetings of our committee who have addresses dozens of civic and social clubs and groups; the help given New Jersey News Dealers Association (a nonprofit corporation of this State) with publicity in the distribution of its decal and pledge card, speak well of an industry that contributes so much to the betterment of mankind. I would also like to echo similar sentiments of gratitude to Mr. Carl Hulett, the publisher of my hometown weekly, the Summit Herald.

Very truly yours,

J. JEROME KAPTON,

Chairman, Juvenile Delinquency Committee of the Union County Bar Association, and Member of Juvenile Delinquency Study Commission of New Jersey.

The CHAIRMAN. At this point, I wish to have entered into the record a group of articles appearing in the Hartford Courant. Let that be exhibit No. 33.

(The material referred to was marked "Exhibit No. 33," and reads as follows:)

EXHIBIT No. 33

[From the Hartford (Conn.) Courant]

This is the story of the campaign as told in Editor and Publisher magazine in their issue of April 3, 1954.

INTRODUCTION

Because of the many requests we have had for more details about our now celebrated campaign against salacious and depraving "comic books" we have put the news stories and editorials in this booklet for your information. We feel that our efforts have started a "chain reaction" in our community which has resulted in a definite improvement in a very unhealthy situation. We hope that similar campaigns from coast to coast may react in stamping out this growing evil. I would like to pay special tribute to three members of the Courant staff—to Thomas E. Murphy, editorial writer, for the inspiration of the campaign,

to Irving Kravsow for his excellent news stories and research and to William J. Clew, assistant managing editor, who supervised the operation.

JOHN R. REITEMEYER,
President and Publisher.

News Story, February 14, 1954

DEPRAVITY FOR CHILDREN 10 CENTS PER COPY

By Irving M. Kravsow

Ten cents at your neighborhood drugstore or newsstand will buy your child a short course in murder, mayhem, robbery, rape, cannibalism, carnage, sex, sadism, and worse.

These are only a sample of the type of crimes and practices explained in detail with pictures in a variety of comic books being bought and read daily by countless children.

In this country, 65 million comic books are printed each month.

Some of the pictures and texts are so suggestive that it isn't possible to quote them in a family newspaper. Others are just soaked in gore with the characters mouthing phrases which would earn any youngster a spanking if uttered in the house.

T. E. Murphy, in his column *Of Many Things*, in the *Courant* was shocked to find his own youngsters reading a few of these comic books and asked the question, "Do you know what your children are reading?"

To find out, a reporter went to a section of the city where juvenile delinquents traveling singly and in gangs, have troubled the area in recent years.

With a pocketful of dimes, he visited most of the drugstores in the area to examine the types of comic books sold.

Walking into each drugstore, he asked the same question: "Do you have any comic books for children?"

"Indeed we do," was the answer every time and the druggist indicated either racks displaying the books or brought out stacks of the comic books from under the counter.

TALES OF VIOLENCE

The stores that kept the books under the counter weren't doing it because they felt the material in the books was unsuitable for children.

Several druggists told the reporter they kept the books under the counter because they didn't want the youngsters coming into the store, reading the books, then not buying them.

All the books had in common a penchant for violent death in every form imaginable. Many of the books dwelled in detail on various forms of insanity and stressed sadism.

Others were devoted to cannibalism with monsters in human form feasting on human bodies, usually the bodies of women dressed in such a way as to put the creators of historical fiction books covers to shame.

One magazine published by Farrell Comics, has for its cover a picture of a rotting corpse evading the clutching hand of a skeleton.

Inside is a story called, *Bloody Mary*. It opens with a picture of a father reading his newspaper in an easy chair while his daughter, *Bloody Mary*, a child of about 6, creeps up behind him with her jump rope fashioned into a noose. She apparently didn't succeed in strangling her father because the next panel shows her stealing cookies from a high shelf, dropping the jar, and getting a spanking from her mother.

Mary's mother, then lies down on a couch to take a nap and little Mary says to herself, "Go ahead, nap, you old bag. So you're tired, are you?"

HOW TO KILL

With that the youngster gets her trusty jump rope and strangles her mother with it, yelling all the time that she is killing the old woman, "Close your eyes. It's sleepy time."

When her father returns home, he finds Mary calmly reading *Mother Goose* while her mother's body is in the next room. When police come, Mary tells them her father killed her mother, then testifies in court, sending her father to the gallows. After showing a picture of the father hanging from the gallows it shows the child at an orphanage talking to a psychiatrist who finds out that the

child is really a midget. Mary kills the psychiatrist to prevent him from talking and then burns his body.

The last scene shows the child being tucked into her crib by the kindly matrons who run the orphanage. They call her a sweet child and tell her she'll be adopted by some nice family soon.

The same magazine has a story called, *One Very Wide Coffin*, about a thin husband and a fat wife. The husband has an argument with his wife and says, "You're just a fat, lazy pig. All you do is eat, eat, eat."

He leaves his wife, goes to a mountain cabin and broods. "How can I kill her and stay out of the electric chair?" he says. "There must be a way, if I'm clever enough."

Then follows a detailed drawing showing exactly how a shotgun is rigged to fire when a door is opened. It's as good as a blueprint showing how to set a death trap to spring on a victim while the murderer is far away with a perfect alibi. Fate takes a hand, and the couple make up. The husband takes her to the cabin for a second honeymoon, forgetting he has set a death trap. When he opens the door to carry her over the threshold, both are killed.

DEFILE CLASSICS

Tiny Tot Publications publishes a comic book which is billed as a humorous comic magazine. The cover shows a fireplace decorated for Christmas with stockings hung from the mantle to receive gifts from Santa Claus.

It shows Santa's foot dangling in the fireplace an inch above a lethal bear steel trap while a young boy leers in anticipation of tearing Santa's leg off.

The first story is a parody on Mickey Spillane that is so suggestive, it would put some adult pulp magazines to shame. Another story in this Tiny Tot Publication tells the story of Little Red Riding Hood with a switch. The twist is that Little Red Riding Hood, in this story, is really a vampire.

The final story in this magazine is a reprint of the lovely Christmas poem, *The Night Before Christmas*, illustrated by gross and obscene drawings that defy description.

Atlas Publications presents a comic book that wallows in death and madness. The opening story is called *Midnight in the Morgue*, and is told in the second person, singular. It starts with a shooting and holdup-murder and by the time it ends, eight dead bodies are displayed in various positions.

The crucial scenes in this story are the ones in which the murderer becomes locked in the morgue by mistake and begins shooting at the dead bodies in the belief that the dead people have come back to life. There is one picture with text so disgusting it would spoil your breakfast if repeated. It ends with the killer embracing the corpse on a slab and babbling like an idiot.

HORROR TALES

The next story opens with a bunch of youngsters ganging up on a small boy and giving him a vicious beating. By the time the last page is reached, 14 persons die violent deaths.

A company called Superior Comic publishes one which has blood pouring from every page. It has one story about adultery and the murder of a husband for profit. Another about mass murder, bootlegging, lust, and revenge, and another about a judge who sentenced a murderer to die and is killed by the slayer's curse.

I. C. Publishing Co. has the slogan, "An Entertaining Comic." The first story in it is called *Food for Thought*, which shows a ghoul feasting on a rotted corpse and saying:

"Heh, heh, I see you're hungry for horror again. Well, rest assured. Your appetite will be satisfied. In fact, when you're through with this putrid periodical, you will have lost your appetite entirely. So don't just stand there drooling. Come in."

The story is about adultery and murder. The second story is about a man who drowns his best friend in order to steal his best friend's girl. The third features a homicidal maniac and his sister who are boiled to death in hot water. The final story in this one opens with a sadist torturing animals to death, then turns to murder with a butcher knife and an ax and ends with the killer being burned to death in a flaming car.

The record for the number of violent deaths in one issue probably goes to one published by Male Publishing Corp. Twenty persons meet violent deaths in one story alone while the other tales are well sprinkled with bodies and pungent language.

RIDICULE DECENCY

A comic published by Allen Hardy Associates, boasts, "three full-length horror tales." The cover shows a madman clutching a shotgun dripping blood in one hand and some blood-drenched money in the other. A corpse, its face shot away, lies in a pool of blood in the background. One of the stories is about a small boy who is eaten by a monster and another little boy who is sent to an insane asylum. Another story in this magazine is about a married man who falls in love with the vampire. The vampire kills his wife then kills him by drinking his blood.

The opening scene in a book by Classic Syndicates, Inc., shows the locker room of a university called "P. U." with the football team looking like thugs and morons, drinking whisky, smoking cigars, and cheating on examinations. The rest of the story tells how the studious pupils are fools and that only the cheaters, gamblers, football players, and other dishonest persons, succeed in college and the penalty for losing a football game is dismissal from school in disgrace and death at the hands of gamblers and crooks.

Another story in this book tells about a man who invents a potion to make himself invisible so he could "have fun" by tripping pedestrians, stealing from stores, and robbing a bank.

It contains another story called The Bull Thrower, which is pure sex. It is about a lady bull fighter and contains a raft of double entendres and suggestive pictures.

DEGRADED LOVE

Horror isn't the only specialty of these books. Another type of comic book on the market is the love story in pictures.

Superior Comic publishes one which features these stores: I Was a Pickup Girl, Desperate Romance, Kisses of Forgiveness, and Together * * * Forever. All have the same theme of young girls defying their parents and running off with men. All end in marriage, however.

Charlton Comics Group, Inc., publishes a comic book which claims on its cover, "Thrilling Romances! Exciting! Pulse Quickening! Real Love Stories of Real People Told in Dramatic Picture Stories, Revelations You Will Never Forget."

Then there is the one published by Romantic Love Stories, Inc. The stories include, My Fatal Weakness, Flames Fed My Foolish Heart, Pickup Girl, The Curse of Being Misjudged, and My Undecided Soul.

These are just a sample of the hundreds of books sold each month in this city through newsstands and drugstores.

In one drugstore, where the reporter found the worst selection of all, he overheard the druggist talking to some children in the store. As the reporter leafed through the comic books, the druggist was reading a paper and saying:

"It's terrible. Everyday more people are getting killed or murdered."

Editorial, February 14, 1954

WHAT DO YOUR CHILDREN READ?

Do you know what your children are reading? If you have not made a check of their comic books lately, you may be surprised to find that their daily diet is made up of murder, mayhem, lust, sadism, necrophilia, depravity, and just plain filth.

Some of the comic books that have been dispensed in Hartford in recent weeks are as foul as anything the human mind can conceive. Patricide, matricide, and every form of violence and crime are depicted, even to detailed drawings of how to murder a friend by remote control.

It is hard to believe that these products of the gold-plated sewers of New York are distributed in Hartford through the design of local merchants. No doubt they, like the majority of parents, are unaware of the literary horrors that are daily poisoning the minds of their child customers. Censorship is not necessary, although it might be salutary if some of these publishers were locked up for foisting obscenity on the public. Quiet words of disapproval from parents are enough to end effectively the torrent of filth that is daily pouring into the minds of our children.

For supporting evidence read the first of a series of articles by Irving Kravsov, in the Courant today. These will suggest the appropriate remedies.

News Story, February 15, 1954

PUBLIC TASTE, PROFIT USED TO JUSTIFY "HORROR" COMICS

(This is the second of a series of articles on the illustrated courses in murder, crime, and sex on sale at 10 cents a copy under the guise of comic books for children)

By Irving M. Kravsov

NEW YORK.—Certain comic-book publishers, under fire because their magazines glorify crime and feature sex, and sadism, justify it this way—they give the public what it wants.

If parents think these comic books are undesirable, let the parents take care of it, the publishers advise. Their products are for older teen-agers and young adults. If children read them, that's not the concern of the publishers, they say.

A few in the publishing field are less arrogant.

Attorney Henry M. Schultz, counsel for the National Association of Comic Book Publishers, declared the public must realize comic books are here to stay.

"But," he added, "the public must also realize there are both good and bad comic books and parents should direct their children to the good ones and away from the bad."

STATE PRINTS 40 PERCENT

Few persons outside the comic-book industry know how vast is the circulation of comic books, both good and bad. An executive of one of the largest comic-books printing firms in the Nation, located in Waterbury, Conn., said 65 million issues are printed each month.

Of these 65 million issues, more than 40 percent are printed in Connecticut. While it is virtually impossible to estimate how many of the 65 million copies are in the horror or crime classification, a look at the newsstands of the Nation shows the figure is staggering.

Schultz looked at samples of some of the comic books purchased by a Courant reporter and shook his head. "No decent person would ever try to defend these books," he said, "but they are only a part of the whole industry."

He said all parents should watch their own children's reading matter and guide youngsters away from unwholesome material. "There are enough good comics around to replace this filth," he said.

Schultz (a member of the New York Board of Education for many years as well as counsel to the large comic-book publishers) said the "big publishers try to police themselves, but the little companies won't cooperate."

As an example he cited one publisher, a nonpracticing attorney and doll manufacturer, who publishes horror comic books as a sideline "to pick up a few extra thousand dollars."

Profit is the ruling factor. Asked why large publishers don't throw out the horror line and concentrate on more wholesome material, Schult said the big firms once did stop producing horror books.

What happened? "The bad ones still poured out of the smaller outfits and flooded the newsstands, cutting seriously into the sale of the good magazines. So publishers had to go back to producing horror comics in order to stay in business," Schultz said.

Many of the smaller companies had another version, however. Each agreed there are many undesirable comic books on sale in this country, but each pointed the finger at the other guy.

Stanley Morse, publisher of Gilmore magazines, described his products as "Mild." One of the stories published by Morse was I Killed Mary. This was the one denounced by T. E. Murphy in his Courant column, Of Many Things.

CHOPS GIRL WITH AX

I Killed Mary, tells the story of a youth who wants to do something big and daring so people will notice him. The boy chops up a girl with an ax to gain recognition, but when his parents won't believe he killed the girl, the youth hangs himself in a barn.

"I don't see anything wrong with this story," said Morse, as he fingered a copy of the magazine. "This story has a moral. It shows that crime doesn't pay."

"Is that the moral in the story?" Morse was asked.

"Well," he replied, "the boy kills the girl to gain recognition for a daring deed and nobody believes him. The crime was in vain. It didn't pay."

Morse then wanted to know: "Who's to say what is objectionable? What may be objectionable to one group may not be objectionable to another. If this type of story is objectionable, I won't publish this kind any more."

He said he published other than horror books but the horror magazines sell the best. He added his own children don't read horror books.

NOT INTERESTED

"It's not that I don't let them read horror books," he explained. "My kids just aren't interested."

He was shown some samples of books from other publishers that have been termed objectionable. "Would you allow your children to read these if they wanted to?" he was asked.

"No," Morse replied.

William M. Gaines, managing editor of Entertaining Comics and Educational Comics, defended publication of horror magazines this way:

"You see the profits from books some people have termed objectionable allow us to produce educational comics."

Gaines leafed through the latest issues of two of his "humorous" comic books. "This issue," he said pointing to the Christmas edition of one, "has been banned in Boston. I don't see why. There's nothing wrong with it. It's a satire on various aspects of modern life such as radio and television programs, books, and life in general."

He admitted that portions of a story in the book concerning Christmas might offend religious groups, but said some of the offending phrases got by the eyes of the editor.

PROFIT AND ENTERTAINMENT

"We're like any other business," he declared. "We're interested in making a profit. Who isn't? But at the same time, we try to entertain our readers and also teach them."

He displayed some letters he received from critics whom he called "cranks." Gaines said he receives many more letters of praise than letters of condemnation.

One of the letters charged the firm with being subversive and trying to undermine the minds and morals of the youth of this Nation.

"That's ridiculous," Gaines said. "We try to entertain and educate. That's all there is to it. A lot of people have the idea we're a bunch of monsters who sit around drooling and dreaming up horror and filth. That's not true as you can see."

He looked around his spacious office which was decorated with framed paintings of characters from the horror books such as witches and ogres. "We have our story conferences here," he said.

"We discuss horror stories and ideas, but when the conference is over, so are the thoughts and discussion. We don't take our work home with us," Gaines declared.

Gaines publishes 2 "humor" comic books, 1 of which has been banned in Boston; 3 horror comics and science fiction comic magazines and illustrated Bible stories in comic-book format.

BIBLE COMICS SELL SLOWLY

He said the Bible comics were published 10 years ago and since then have sold only 5 million copies. The price is 50 cents and 65 cents. His other comics are 10 cents and sell more than a million copies apiece a month.

He said horror comics help children because "the comics are a stepping stone to reading books. Children improve their vocabularies by reading comic books and learn things about other subjects."

Pressed for specification of "other subjects," he came up with "science."

The large publishing companies have huge staffs grinding out drawings and copy in mass production. What they can't do, they get from free-lance writers and artists.

Most of the smaller companies deal exclusively with free-lance writers, then "farm" out drawings to free-lance artists, maintaining only editorial staffs to supervise and edit makeup of the magazines.

News Story, February 16, 1954

CONTENTS OF COMIC BOOKS APPALLING TO CIVIC LEADERS

(This is the third in a series of articles on the illustrated courses in murder, crime, and sex on sale at 10 cents a copy under the guise of comic books for children.)

By Irving M. Kravsow

Educators, religious leaders, and civic officials, outraged by certain comic books which glorify crime and feature sex and sadism, called upon parents to put some work into the bringing up of their children.

Attorney John J. Daly, president of the Hartford Board of Education, said he was "appalled" by the contents of some of these comic books. "There are wholesome comics on the market today," he said, "but it behooves us to be alert to the menace of those which tend to undermine our moral code, customs, and laws.

"The Courant," he said, "deserves to be commended for leading this long overdue crusade for clean comics. Now parents should be reminded as to the potential danger and maintain constant vigil to see to it that no depraved literature is allowed to enter their homes under the guise of being a comic book."

FATHER CONNELLY SEES DANGER

The Reverend James A. Connelly, assistant director of the archdiocesan schools, said "comic books of this nature weaken the standards of morality of the Nation. We have to build good and strong citizens. The wealth of our land is the children. Unless we guard that wealth, we will be in bad state."

Father Connelly said that children like stories of imagination, "but the trend in comic-books reading goes beyond the level of elementary-school children and reaches into the high school. Secondary-school teachers have become alarmed at this trend."

Father Connelly said that teachers are trying to develop an appreciation in the youngsters of good reading, of culture, and to build good vocabularies.

"Some children," he said, "don't go beyond the comic-books stage. The danger is obvious. Every parish priest is interested in the problem of evil comic books. We are trying to help."

The parents, he said, don't realize what is going on. "These comic books are very bad. They give children bad ideas and other perversions. The evil comic books are an insidious agent stunting the child's growth."

Father Connelly said the parents' duty is to take a constructive hand. "The child is the most precious possession of the parents and should not be allowed to become contaminated. The parent is the No. 1 educator of the child. The parents' responsibility is great."

CHURCH AWARE OF SITUATION

He said the church is aware of the danger of certain comic books and realizes the books "hold great potentialities of danger." More than 10 years ago, he said several Catholic periodicals started supplementing their pages with comic strips about the lives of saints, great persons in history, and inspirational true stories. The purpose was to "try to stem the tide of the evil comics," he said.

The strips were received very well by the readers, he said, and later they were published in comic-book form. These comic books, he said, integrate stories of biography for instruction, and entertainment and fiction. Some are even used in the schools with excellent results, he said.

"If each parent conscientiously and consistently did his duty and observed his children's activities and reading habits, we wouldn't have to worry," he said.

"Of course," Father Connelly added, "this means work on the part of the parents. The schools are trying but we only have the child about 5 hours each day."

PUBLIC SCHOOLS ALERT

The public schools here are also trying to combat the problem by attempting to instill in the children a desire for good literature, Attorney Daly said. Books in the school libraries are carefully selected, he said, and lists of recommended readings are prepared to assist students in selecting works in various fields.

"It would be extremely helpful if the parents would assist the schools in seeing to it that such recommended books were read by their children," Daly declared.

Rabbi Abraham J. Feldman, spiritual leader of Temple Beth Israel, after looking over some samples of the comic books described in the Courant article Sunday, said, "What can we say except the obvious * * * they are terrible. We need an educational campaign to shock the parents and the public in general into a realization of the kind of comic books being dished out."

Dr. Feldman declared that "parents should urge children to use the public libraries more. The libraries have fine juvenile departments."

RABBI FELDMAN ADVISES PARENTS

"But," Dr. Feldman added, "the parents should not just send their children to the library and tell them to pick out some books. The parents should show the children that they are taking an interest in what the youngsters do. The parents should set a good example and go to the libraries with the children."

He offered this suggestion to parents whose children read the bad comic books: "Sit down with the child and explain why the books are not desirable. Don't just say, 'I forbid you to read these books.' That would only whet the appetite. Most people are decent people and the children will listen to intelligent reasoning."

Dr. Feldman declared that censorship is not the answer to the problem. "Censorship would kill one evil with another evil and I'm not sure which evil is greater," he said.

He said in addition to an educational campaign to awaken the parents, there should be an appeal to the distributors to participate in such a campaign. "It should be done by moral suasion," he added.

MRS. SANDERSON DISTURBED

Mrs. Harold Sanderson, director of Christian education, Greater Hartford Council of Churches, termed the comic books "appalling" and added that "the lethargy of the public toward the problem is terrible."

"I am very disturbed about these comic books that glorify crime," she said, "but I am more disturbed about the comic books which emphasize sex. The age group of the youngsters who read comic books," she said, "is the group that is just becoming interested in matters of sex. These unwholesome comics arouse the interest of the youngsters and send them out into the streets where they get involved in sex situations. This is especially true of children without good home backgrounds."

She said that parents should not "pass the buck for molding the child to the school or church. Too many parents neglect their responsibility to their children."

SUPERVISED LEISURE URGED

Mrs. Sanderson said the parents have the care of the children during most of the youngsters' leisure-time periods. It is during the leisure hours, she said, that the children read these comic books.

"Children are impressionable and mobile," she said. "They move around a lot during their leisure hours and have few demands on their time. The pre-adolescent children don't have much else to do so they read comic books."

She said if parents supervised the leisure time of their children and directed the youngsters' energies into constructive channels, the problem wouldn't be as difficult as it is and there would be less delinquency.

Editorial, February 16, 1954

CENSORSHIP OF COMICS IS NOT THE ANSWER

It is a little more difficult today than it was on Saturday to buy dirty comic books in Hartford. But if you will look behind the books with innocuous titles on display, you will find many gruesome tidbits still being peddled in downtown Hartford. After the disclosures in the Courant many persons have written or telephoned, asking what they can do to stem the filthy stream that flows from goldplated sewers of New York. Some have said flatly, "there ought to be a law." Others call for censorship.

Censorship is not the answer. Such laws, even though they spring from decent motives, can and often are used as bludgeons by people with more zeal than understanding. These tainted tidbits can be kept out of greater Hartford by the simple exercise of diligence. At present these filthy comic books are handled as a commodity by both the wholesalers and the retailers. Both the wholesalers and the great majority of retailers, particularly those in neighborhood stores, might be loath to carry books if enough of their customers registered objections.

The natural channel through which such activities should flow are the parent-teacher associations. Sadly enough, at least one important official of this organization expressed an unwillingness to be quoted on the subject because it was "controversial." This is a rather unusual point of view, and presumably doesn't represent the opinion of the majority of this organization.

The churches can also continue to emphasize the responsibility of parents in knowing what their children are reading. There may be a few nitwits who do not care, but the majority of parents do, and their voices can be strong. It is hardly likely that this trade in poisoned literature will persist in the face of widespread public disapproval. That is the strongest weapon of all. Tell your magazine vendor just how you feel about these things.

If any store in Hartford was deliberately selling poisoned candy to small children, the public would be outraged. Yet by our apathy we are permitting our children to absorb some of the most outrageously immoral and degrading written material. As a community newspaper the Courant has performed its function to disclosing the facts. It is now up to the citizens of the community, through church groups, PTA, and similar organizations to carry on from here.

• News Story, February 17, 1954

STATE AND CITY OFFICIALS WARN COMICS PUBLISHERS TO CLEAN UP

(This is the fourth and final article in a series on the illustrated courses in murder, crime, and sex on sale at 10 cents a copy under the guise of comic books for children.)

By Irving M. Kravsov

United States District Attorney Simon S. Cohen Tuesday warned publishers of comic books which glorify crime and feature sex and sadism to clean up or possibly be shut up.

State Police Commissioner John C. Kelly and Hartford Police Chief Michael J. Godfrey also warned publishers to clean house. Moreover, both demanded that parents take more interest in what their children are doing and reading and exert more parental control over their youngsters.

Joining the campaign for clean comics, Attorney Leo J. Parskey of the city council declared, "The publishers of these books should assume civic responsibility and police themselves or they will discover to their regret that in some areas, laws will be passed on censorship that would be unfortunate for them as well as the public in the long run."

Parskey added, "The publishers of these comics should have some concern for children and less concern for profits."

In his warning, United States District Attorney Cohen declared, "The publishers of these books had better wake up and clean their presses. While prosecuting and police agencies don't want to cross the line into controlled censorship, we can't sit idly by and allow this menace to continue."

He looked at some of the books described in the Courant series and declared, "These evil books furnish blueprints for crime and in some cases show the criminals literally getting away with murder."

Cohen also scored apathetic parents for not caring or paying attention to what their children are reading or doing.

Case after case in his court, he said, involves youthful criminals. "In almost every case," Cohen declared, "the parents don't know when their child leaves home or when he returns. They don't seem to care what influences their children, whether it is books like these comics or evil companions."

He pointed out that comic books are involved in interstate commerce and come under Federal jurisdiction.

If publishers don't police themselves, public reaction will force prosecution. There is a definite line of demarcation between publication of filth and publication of clean literature," he warned.

Chief Godfrey declared, "Children are the citizens of tomorrow and must be protected from harmful influences. These comic books represent a very dangerous situation which should be corrected immediately."

He said one of the major problems is the lack of parental guidance. "Some parents don't know where their children are or what the children are doing and care less," he commented.

CENSORSHIP SEEN DANGEROUS

Parskey, chairman of the city council's committee on crime and youth problems, said outright censorship is dangerous because it would put control in the hands of one person or body. Another danger of censorship, he said, is that the public would get a false sense of security.

With censorship, he said, the public would ignore the danger of books such as these, thinking that because there is a law, everything is all right.

What is needed to combat this problem, Parskey said, is an awakening of parental responsibility and discipline. "I think the churches should go into this matter as well as social and civic organizations, with the aim of educating the parents to the danger of these comic books," he said.

Editorial, March 14, 1954

A TRUE CHAMPION OF HORROR COMICS

Not long ago, following the series of articles describing the offensive comic books being sold in Hartford, one publisher of comic books felt he had been dealt with unjustly and protested. In the interests of treating this publisher fairly it is well to give further details of his views about these so-called comic books. He is William M. Gaines, publisher of *Entertaining Comics*, and he expresses his view in the February issue of *Writers' Digest*.

There Mr. Gaines tells with considerable satisfaction that his comic books *Mad* are pushing 1 million circulation. He calls it a "sweet breath of fresh air" in the comic-book field because, among other things, it lampoons classical poetry. Then Mr. Gaines goes on to list his requirements in a plea for writers to contribute plots for his other magazines. He is frank. He says they love "walking corpse" stories. They will accept an occasional zombie or mummy. And he says they relish the "contest cruel," which is, of course, the story of sadism. He is anxious also to get crime stories in which the villain tries to get away with murder "and probably does," because, as Mr. Gaines observes, "virtue does not always have to triumph."

As the Senate Subcommittee To Investigate Comic Books is about to reopen its hearings on this subject, we suggest that Mr. Gaines would make an excellent witness for the defense. His stout endorsement of horror, murder, and of the theme that "crime does pay" might furnish just the kind of "fresh air" that he has been selling to the children of the United States at 10 cents a copy.

Editorial, March 30, 1954

ARE YOU A RED DUPE?

The Entertainment Comic Group of 225 Lafayette Street, New York, is among the worst offenders in a commercial group that makes money by selling immorality and vice to small children. These panderers to children specialize in vampirism, adultery, and cannibalism, have now come out with what should go down in history as one of the really stupid propaganda efforts in modern history.

In its frenzied defense of dirty comic books this company says, "The group most anxious to destroy comics are the Communists." Then it asks the question, "Are you a Red dupe?" The final admonition is as follows: "So the next time some joker gets up at a PTA meeting or starts jabbering about the naughty comic books at your local candy store, give him the once-over. We're not saying he is a Communist. * * * He may not ever read the *Daily Worker*. It's just that he's swallowed the Red bait—hook, line, and sinker."

Thus do the sellers of literary sewage justify their profits from the debauch of youth. It may interest the various service groups, church organizations, and all other leading citizens who have come out against filthy comics to learn that Entertainment Comics considers them Red dupes.

There have been many stupid and silly red herrings in recent years but this attempt to justify profits from pornography by labeling opposition as "Communist" takes the cake or perhaps it is not just ordinary stupidity. It may be the kind that grows from arrogance. These peddlers have acted on the theory that the American people are a bunch of stupid oafs—and by our apathy we have confirmed that judgment. But the jig is up now for the panderers of dirty comic books, and this Red scare is a frantic rear-guard action from a discredited and soon-to-be-deactivated phase of publishing. Their end is in sight, and they know it.

News Story, April 22, 1954

SENATE COMIC BOOK PROBES LEARN PUBLISHERS ATTEMPT AT CLEANUP FAILED

By Irving M. Kravsov

NEW YORK, April 12.—A United States subcommittee, probing comic books, was told here today that comic-book publishers tried to clean up their products in 1948 but so few lived up to a decency code that the attempt failed.

Attorney Henry E. Schultz, counsel for the Association of Comic Magazine Publishers, testified that 90 percent of the comic-book publishers in this country joined his association in 1948.

Today, he said, the organization has dwindled to 12 members, only 3 of which are comic-book publishers. "The association, I would say, is out of business and so is the code," Schultz declared.

The committee opened its 2-day hearings on comic books and their relation to juvenile delinquency and crime in the Federal building on Foley Square in front of a battery of television and newsreel cameras.

PUBLISHER HEARD

The committee heard internationally famed child psychiatrist Dr. Frederic Wertham declare "as long as crime and horror comic books are published, no American home is safe."

It listened to William Gaines, publisher of Entertaining Comics, say, "The only limitation on what I publish is what I consider good taste," after he told the committee that he was the founder of Horror Comics in this country and "I'm proud of the comics I publish."

Attorney Schultz submitted as evidence a copy of the decency code drafted by the Association of Comic Magazine Publishers. Both Senator Estes Kefauver, Democrat, of Tennessee, and Senator Robert C. Hendrickson, Republican, of New Jersey, chairman of the subcommittee, complimented Schultz for the code. Senator Kefauver declared: "If this code were followed by comic-book publishers, we wouldn't have this problem today."

CODE ROUGH FOR PUBLISHERS

Schultz testified that soon after the code was drafted and an "approved" seal was issued for books conforming to the code, many publishers quit the association.

He was asked if the publishers quit because of the code. Schultz replied, "I know of two that left for that specific reason and others I suspected left for the same thing."

He was asked to name the two who left because they didn't want to go along with the code. Schultz said, "One was Educational Comics, published by William Gaines, and the other was Avon."

He was shown a sample of a horror magazine with a cover showing a skeleton strangling a corpse. In large print on the cover, were the words, "Come Into My Coffin." The cover carried the seal of approval of the association.

Schultz said: "The seal is meaningless today. In fact, some publishers make up their own seals of approval and place them on their comic books."

GAINES READS STATEMENT

Gaines took the stand and read a brief prepared statement in which he said, "children are people too and are entitled to read what they wish."

Gaines, who was one of the publishers described in the Courant's exposé on comic books, was questioned about his latest book, Shock Suspense Stories.

In it is the story of a 10-year-old girl, Lucy, who shoots her father, frames her mother and her mother's lover for the crime, sends both to the electric chair, and gets away with it.

Associate counsel for the committee, H. W. Beaser, asked Gaines if he agreed with a psychiatrist who had testified earlier that the story of Lucy was harmful because it bred fears in the minds of foster children and because the child gets away with a horrible crime.

Gaines replied, "In this story the child leads a miserable life for six pages then emerges triumphant."

UNDER COMMITTEE FIRE

Senator Thomas C. Hennings, Jr. (Democrat, Missouri), declared, "She emerges triumphant by murdering her father and sending her mother and another to the electric chair."

Gaines replied, "But she emerges triumphant in the end."

"Do you have children of your own?" asked Senator Hennings.

"No," Gaines replied.

Senator Kefauver showed Gaines a cover from a recent Gaines publication. It showed a head severed from the body. "Is this in good taste?" he asked.

"Yes," Gaines replied. "It would have been in bad taste if the head had been held higher to show the jagged neck dripping blood."

Senator Kefauver declared, "Blood is running from the mouth and the bloody ax is shown still dripping. Is that good taste?"

Gaines replied, "I think so."

1,500,000 BOOKS MONTHLY

In answer to questions from Senator Kefauver, Gaines testified his total circulation is 1,500,000 comic books a month with an estimated gross income of \$80,000 a month.

Asked why his comic books were published under the names of five different companies, Gaines replied he didn't know. "That's the way I inherited the business from my father," he said.

Earlier in the day, Dr. Wertham told of case histories in which he found comic books a contributing factor in juvenile delinquency. He showed colored slides of pictures and texts from many crime and horror books and called for rigid Federal laws outlawing the sale of crime and horror books to anyone under 16 years of age.

He also said the comic-book publishers have applied a lot of pressure in an effort to block distribution of his latest book, *Seduction of the Innocent*, an exposé on comic books.

CARTOONISTS APPEAR

Other witnesses today were Richard Clendenen, director and chief investigator for the United States Senate Subcommittee To Investigate Juvenile Delinquency; Dr. Harris Peck, a child psychiatrist; Walt Kelly, president of the National Cartoonist Society and creator of Pogo; Milton Caniff, creator of Steve Canyon, and Joseph Musial, King Features education director. The cartoonists explained the role of comics in visual education and said members of the National Cartoonist Society are barred from drawing for comic magazines such as those submitted in evidence at the hearing.

The hearing will wind up here Thursday. Expected to testify are distributors, publishers, and business managers of comic-book firms.

News Story, April 23, 1954

CHILD STUDY BODY CHARGED WITH COMIC-BOOK DECETS

By Irving M. Kravsov

NEW YORK, April 22.—Senator Estes Kefauver (Democrat, Tennessee) charged here today that the Child Study Association of America has deceived the public by presenting reports on comic books without identifying the authors as being in the pay of comic-book publishers.

He made the accusation during the final day of the 2-day hearings of the United States Senate subcommittee investigating the comic-book industry.

The committee, headed by Senator Robert Hendrickson (Republican, New Jersey), heard a prominent psychiatrist testify she receives \$150 a month from

a comic-book publishing firm for her advice and admitted she hadn't seen the code of ethics used by that firm until the night before the hearing.

It also heard a comic-book publisher invoke the fifth amendment to the Constitution and refuse to testify on the grounds his testimony might incriminate him.

In addition, it heard the testimony under oath of the counsel for the News Dealers Association of Greater New York who declared flatly that tie-in sales are forcing the newsstand operators to sell comic books against their will.

Other developments included the statement by the committee's associate counsel, H. W. Beaser, after the hearings adjourned, that the *Courant's* series of articles on comic books was a tremendous help to the committee.

Beaser said the articles will be made part of the committee's record and said the *Courant's* series was used as the basis for the start of the congressional probe into the comic-book industry and its relationship to juvenile delinquency and crime.

Senator Kefauver's charges against the Child Study Association of America came during the testimony of Gunnar Dybwad, association executive director.

Senator Kefauver put in the record copies of reports issued by the association which had been submitted to the committee by comic-book publishers in defense of the industry.

He showed Dybwad one of the association's reports written by Josette Frank, an employee of the association. "Why don't you say on this report that Josette Frank is paid by the comic-book industry?" Kefauver asked.

"She doesn't work for the comic-book industry," Dybwad replied, "she is paid by a comic-book publisher. There is a difference."

PAID CHILD-STUDY REPORTS

Senator Kefauver then produced another report made by the Child Study Association of America authored by Mrs. Sidonie Gruenberg, a child-guidance expert.

"Mrs. Gruenberg wrote a very favorable article on comic books," Senator Kefauver declared, "and she too is in the pay of the comic-book publishers."

Dybwad replied that Mrs. Gruenberg is no longer in the employ of comic-book publishers.

Senator Kefauver replied, "Here are two people used by your association to evaluate comic books who are being paid by comic-book publishers. Do you think that's fair to the public?"

"Yes," replied Dybwad.

Senator Kefauver then declared, "I think that is traveling under false colors and is not fair to the public."

Kefauver named other prominent experts in the employ of the comic-book publishers including Dr. Lauretta Bender, senior psychiatrist at Bellevue Hospital and professor of clinical psychiatry at New York University; Dr. S. Harcourt Peppard, of Newark, N. J., and Dr. W. D. Sones, of the University of Pittsburgh.

Kefauver identified Dr. Bender as a member of the advisory board of the Child Study Association of America. Dr. Bender testified that she receives \$150 a month from National Comics, which publishes *Superman*, among others.

She said she is paid as a member of the firm's advisory board and her name appears in each issue along with the names of Josette Frank, Dr. Sones, and Dr. Peppard.

She said the board hadn't met in the past 6 months and that the \$150 a month is for advice. Asked for an example, she cited an occasion when the comic-book firm asked her if she approved of the manufacture and sale of *Superman* costumes for children.

She said other experts on the advisory board of the comic-book firm are paid larger sums. Shown a copy of the code of ethics used by the firm, she said the first time she had seen it was the night before the hearing. She said a code she helped draft for the company a few years ago was not in use.

Invoking the fifth amendment was publisher Samuel Roth who said he is now out on bail after being arrested last week on charges of violating New York's indecent and obscene literature statutes and charges of conspiracy to violate the laws.

Alex Segal, president of Stravon Publications, denied under oath charges that he is now selling names of children who answer ads in his comic books to other firms. He said his firm sold lists of names in the past but stopped the practice last year.

Counsel Beaser declared that children would answer an innocent advertisement in a comic book and then start receiving quantities of mail advertising sex books. He said the committee has received many complaints about this from parents and that the Post Office Department and the committee are investigating the matter.

William Richter, counsel for the Newsdealers Association of Greater New York, charged the retailers are "forced to take bad comic books along with the good magazines." He said, however, that the dealers could return the magazines at the end of the month and then get their money back. "If they do this," he said, "they may find themselves not getting magazines they want, however."

The committee adjourned its hearings here and said it would reconvene them at a later date. Roth was ordered to remain under subpoena by the committee.

Editorial, April 23, 1954

MEN OF TASTE

Unfortunately the Army-McCarthy hearings have tended to obscure the hearings on comic books being held by a Senate subcommittee. Easily the star of the show, if we use the word "star" quite loosely, is William Gaines. Mr. Gaines proudly lays claim to the paternity of horror comic books, and his contribution to the kiddies of America is some 2 million comic books a month. These are all in good taste though, as Mr. Gaines observes. And that is his yardstick of what not to print.

For example, one of his current books show a woman decapitated, with an ax-wielding man holding aloft the blonde head. This, said Mr. Gaines, was good taste because, while blood oozed from the mouth and the ax was gory, the neck was not shown dripping blood. Mr. Gaines' sense of the fitness of things was also demonstrated in his defense of a story in which a small girl murders her father and sends her mother to the electric chair.

This unique contribution to the Nation's children was justified, said Mr. Gaines, because the child emerges triumphant. According to the Gaines' code of good taste, shooting daddy and sending mama to the chair are justified because the tiny tot's ambition to live in a nicer house is thereby justified.

Mr. Gaines may have disappointed some of his public. He arrived without the company of a complement of vampires or werewolves, with the usual number of fingers, and with only one head. Even though he does gross close to a million dollars a year from this dirty business, Mr. Gaines is a man to be pitied as well as censured. For if he sees nothing wrong in the literary sewage that he helps to create and distribute to small children, then he is indeed as strange as some of the creatures who stalk across the pages of his sardonically named *Entertaining Comics*. If one hopes for the elimination of these bad books, one might say that Gaines' loss would be the country's gain.

Editorial, April 24, 1954

SEDUCTION OF THE INNOCENT

The Senate investigation of comic books has resumed in New York. And the resumption of hearings on this important source of juvenile pollution was timed felicitously with the publication of a serious study, by a well-known psychiatrist, of these bad books for children.

Considering the kind of material that is blandly peddled by the harpies, it is to be hoped that the Senate committee will drag out into the open the individuals who are responsible for it. Who profits from these books? Who puts up the money to finance them? Why does each publication company issue books under a variety of names?

Putting your finger on those responsible for this stream of sewage is like trying to tab an energetic flea—and no offense to the flea intended. Only one so far discovered seems to be proud of his calling. The others, while willing to make money from fouling the minds of children, do not seem anxious to be identified with their publications. That is not surprising. Most poisoners are not anxious to announce their profession to the world.

The so-called comic book represents a greater medium of entertainment and education than most persons realize. The phenomenal rise of this industry indicates that the books fill a definite need among the intellectually undeveloped and the young. Unfortunately a bunch of literary ghouls have chiseled into

the shadows of the industry, and have brought disrepute on the whole industry.

It must be repeated that the majority of comic books are harmless; some are amusing, others are educational. The purveyors of filth are in temporary retreat. That retreat can be turned into a rout if the investigating Senate committee will pinpoint the responsibility for the really bad stuff that is being published, and sold to children.

Then it is fair also to ask if the laws against obscenity apply only to books for adults. The majority of States, including Connecticut, have statutes banning the sale or distribution of obscene literature. Yet there have been few if any arrests or convictions under this law. We do not want witch hunts, and the Senate investigating committee can do a great deal to avoid them, if it will cut straight to the heart of this problem: Find the men who are responsible for this national seduction of the innocent, and let the public get a good look at them.

News Story, April 25, 1954

SENATE COMICS PROBES SPOTLIGHT NAME RENTALS

By Irving M. Kravsov

The United States Senate subcommittee investigating the comic-book industry, at its hearings in New York this week, turned the spotlight on a little-known phase of the comic-book business.

Associate Counsel H. W. Beaser of the subcommittee, declared that his staff, assisted by the Post Office Department, had been investigating the sale or rental of names and addresses of children.

One of the witnesses called upon to testify on the aspect of the industry, refused to testify on the grounds that his testimony might incriminate him.

Samuel Roth, out on bond in New York after being charged with violating the State's obscene and indecent literature laws, invoked the fifth amendment and refused to answer the committee's questions concerning where he got the names used on his mailing list.

CHILD MAILING LISTS RENTED

Another witness, publisher Alex Segal, was not connected with Roth. He was, however, questioned about the renting of children's names and addresses.

He said his firm, in the past, would rent out the names of children to mail-order firms. He said this practice was discontinued last year.

Beaser said the children would answer an innocent advertisement for pictures of birds or a water pistol.

The children would have to fill out a coupon and send it in to the comic-book publisher.

Beaser said some comic-book publishers would take the names and put them on a master list which was rented to other companies. This resulted, he said, in these children receiving in the mails, advertisements and literature selling sex books and other salacious material.

Beaser said his committee had received complaints about Segal's company. Segal replied, "these names are received through comic-book ads and are placed on stencils. By mistake, someone got the names of 4,000 children and rented them to a sex-book company. When we found out about the accident, we stopped renting names out."

DELVE INTO MULTIPRODUCTION

The congressional committee also tried to delve into the reasons why comic-book publishers produce books under a variety of company names.

Monroe Froehlich, Jr., business manager of Magazine Management Corp., said this is done for "advertising sales purposes." He did not elaborate.

Froehlich explained the corporate structure of his firm. Magazine Management Corp. is the parent organization of the Marvel Comic Book Co. which puts out 60 comic-book titles. It is also the sole owner of Atlas, a national distribution corporation which handles only the Magazine Management Corp. publications.

His firm, Froehlich said, owns stock in 35 publishing corporations. The average monthly print order for a comic book, he testified, is 350,000 copies.

He said his estimate of the total number of comic books printed in this country each month is "about 45 million."

425 TITLES PUBLISHED MONTHLY

Counsel Beaser asked Froehlich how many different comic book titles are published monthly and Froehlich answered, "about 425."

Beaser then did some simple multiplication and multiplied 425 titles by the average print order of 350,000 issues and came up with the staggering figure of 148,750,000 comic books a month.

The business manager said his company is a member of the Association of Comic Magazine Publishers and carried the association's seal of approval on its magazines.

Previously Attorney Henry Schultz, counsel for the association, testified that the seal was "meaningless."

Beaser held up a copy of one of the comic books published by Froehlich's company. Its cover showed a skeleton "mugging" a corpselike creature. In large print, it said, "Come Into My Coffin." Beaser also displayed enlarged photographs of some of the pictures and text contained in the comic book.

"Do you think this conforms to the code?" Counsel Beaser asked.

"You are taking it out of context and trying to judge the whole by four panels. I can't answer that question," Froehlich replied.

DEFENDS HORROR COMICS

Froehlich was asked why his company publishes horror and crime comics along with other comic books. He replied, "We're in the publishing business. If there's a demand for horror and crime comics, why shouldn't we fill the demand. Why not ban automobiles because some people get killed in them?" he asked.

"The manufacturers put brakes on autos," Beaser declared.

Froehlich told the committee if it could be definitely proven that comic books harm children, his firm would not publish them.

How these comic books are distributed came under fire with the testimony of Attorney William Richter, counsel for the News Dealers Association of Greater New York.

TIE-IN SALES UNDER FIRE

He charged the distributors of forcing newsdealers to handle comic books through "tie-in sales." "The vendor gets magazines in one bundle tied together so securely that the newsdealer can't even inspect the merchandise," he said.

The vendor has to pay for the magazines and can't get a rebate for the magazines not sold unless they hold them for a month or two. He said most vendors in New York haven't room to store the undesirable books for a month or longer so are forced to display them for sale.

He said many vendors have reported that if they continue to send back comic books, they find they can't get good magazines.

"This practice is prevalent throughout the country," Richter declared. "The majority of the comic books on the newsstands today are outright trash and the newsdealers don't want to handle it," he added.

GAINES' "MAD" ATTACKED

Richter displayed a copy of the comic book, Mad, published by William Gaines, who had testified on the opening day of the probe.

"How Gaines could sit here yesterday and justify his magazines is beyond comprehension," Richter said.

Holding an issue of Mad up to the television cameras, Richter said, "Magazines like this are worse than horror or crime comic books. These ridicule everything in a vicious and gruesome manner. They're demoralizing."

He asked the committee to consider passage of Federal laws outlawing magazine tie-in sales and pledged the aid of his association in helping draft such legislation.

The committee adjourned the hearings and announced it would study the evidence and testimony.

Editorial, April 25, 1954

ANOTHER DIRTY FACET OF THE COMICS BUSINESS

The Senate subcommittee investigating the comic-book industry, and its relation to juvenile delinquency, has brought to light an interesting phase of this multi-million-dollar business. The committee discovered that some comic-book

publishers, not content to fill their pockets with dollars from the sale of depraved magazines, have found a way to make even more money by selling the names and addresses of children to mail-order firms.

This is the way it works. A child answers an advertisement in a comic book for something harmless like, for example, a book of bird pictures or a water pistol. The child's name is taken from the coupon sent in and placed on master lists. These lists are then rented to mail-order firms. And they in turn send the youngster pamphlets and circulars advertising, among other things, dirty pictures and books. One of the witnesses called before the committee last week, when accused of this practice, refused to testify on the grounds that his answers might be self-incriminating. Another publisher testified that he rented his lists at one time, but stopped doing so because of many complaints from irate parents who found advertisements for sex books in their children's mail.

This is, of course, a little flea on the back of a big flea. And the greater part of the comic-book business, let us remember, is harmless. But it becomes more and more evident that the slimy fringe needs cleaning up.

The CHAIRMAN. The chairman wishes to announce that today's hearing does not terminate the subcommittee's investigation into the field of crime and horror comic books. We shall continue to collect on this subject matter in this area, and if necessary further hearings will be scheduled at a later date.

All data thus far presented, plus all future facts compiled, will be studied most carefully before the subcommittee draws up its conclusions and recommendations.

The subcommittee will issue a special report upon this subject at an appropriate time, or we may make the report a part of our final report.

I think I speak for the entire subcommittee when I say that any action on the part of the publishers of crime and horror comic books, or upon the part of distributors, wholesalers, or dealers with reference to these materials which will tend to eliminate from production and sale, shall receive the acclaim of my colleagues and myself. A competent job of self-policing within the industry will achieve much.

We will adjourn now until 10 o'clock tomorrow morning.

(Thereupon, at 5 p. m., the subcommittee recessed, to reconvene at 10 a. m., Saturday, June 5, 1954.)

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